

AN EXACT
ABRIDGMENT
OF ALL THE
Ecclesiastical Statutes
IN FORCE IN
I R E L A N D.

TOGETHER WITH
The Form of the ASSENT and CONSENT to
be read after Induction: As also, A List
of such FEES as are to be paid unto and
by the CLERGY in all Cases.

WHEREUNTO IS ADDED,
Some NOTES, being the Resolutions of the Judges
upon many of the said STATUTES, which may
be necessary towards the right understanding
of them.

Together with several useful TABLES.

By N. ROBBINS, Esq; Barrister at Law.

To this Work is added (not in any other Edition)

The Compleat TYTHES-MAN, being an exact
TABLE wherein the Nature of TYTHES, and all
Things Tythable are shewn: With an Account
of *Compositions, Transactions, Customs, Prescriptions*
and *Privileges*, distinguished under proper Heads,
with References to adjudged Cases and Statutes re-
lating to TYTHES. Proper for all Clergymen,
Gentlemen, Lawyers and Farmers.

D U B L I N:

Printed for RICHARD WATTS in *Skinner-Row.*

AN EXACT A BRIEF OF ALL THE Ecclesiastical Statutes IN FORCE IN

A. R. E. I. A. N. D.

TOGETHER WITH
 The Form of the Assent and Consent to
 be read after Indiction: As also, A List
 of such Fees as are to be paid unto and
 by the CLERGY in all Cases.

WHEREUNTO IS ADDED
 Some Notes, being the Resolutions of the Judges
 upon many of the said Statutes, which may
 be necessary towards the right understanding
 of them.

Together with several useful TABLES.

BY N. ROBBINS, Esq; Barrister at Law.

To this Work is added (not in any other Edition)
 The Complaint of THE S. M. A. N. being an exact
 List wherein the Nature of Fines, and all
 Things Tithable are shewn: With an Account
 of Consecration, Transubstantiation, Orders, Purgation,
 and Privileges, distinguished under proper Heads,
 with References to adjusted Cases and Statutes re-
 lating to Fines. Proper for all Clergymen,
 Gentlemen, Lawyers, and Parents.



Printed for Richard Watts in Strand-Lane.
 D. O. B. L. I. N.

A

Table of the TITLES.

A Batement.
Ability.
Absentees.
Administration.
Advowson.
Alms-Houses.
Amercements.
St. Andrews.
Apprentices.
Appropriations.
Arrests.
Assizes.

B
Bail.
Bastardy.
Bigamy.
Bishops.

C
Churches.
Church-Yards.
Confirmation.
Contra form. Collat.
Convocation.
Costs.
Counties.
County and Turn.
Court of Wards.

D
Darrein Presentment.
Days in Bank.
Discontinuance of Proc.
Distresses.
Dublin.
Durefs.

E
Ecclesiastical Courts.
Election.
Essoign.
Excommunication.
Excommunicato Cap.
Execution.
Execution of Stat.

F
Fairs and Markets.
Fees.
Fire.
First Fruits.
Forcible Entry.
Forfeited Estates, &c.
Forgery.
Franchises and Libert.

G
Glebes.

H.
Hearth-Money.
Heretico Combur.
Highways.
Holy-Days.
Hospitals.

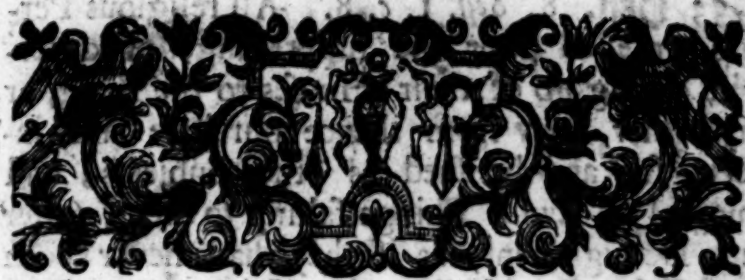
I
Incontinency of Priests.
Incumbent.
Indicavit.
Inventory.
Judgments.
Jurisdiction.
Juris Utrum.

K

A Table of the TITLES.

King.	K	Prærogative.
	L	Presentation.
Law Proceedings.		Probate of Testaments.
Leases.		Prohibition and Consulta- tion.
Letters Patents.		Provisors.
Libel.		Q
Library.		Quare Impedit.
Limitation.		Quarta-pars.
Lord's-Day.		Quod permittat.
	M	Quo Warranto.
Maintenance.		R
Marriages.		Recoveries.
Marshallsea.		Rectories Improprate.
St. Michan's.		Religion.
Mines and Minerals.		Religious-houses.
Ministers.		Residence.
Mortmain.		Rome.
	N	S
News.		Schism.
Nisi prius.		School and School-masters.
Nobility of Ireland.		Settlement.
	O	Spiritual Persons.
Officers and Offices.		Supream Head.
Ordinaries.		Swearing.
	P	T
Papists.		Twentieth part.
Parish Churches.		Tythes.
Parish Clerks.		V
St. Patrick's.		Vacation of Bishopricks.
Pious Uses.		Vicarages.
Plantation Lands; &c.		Uniformity.
Poor.		Union.
Poor-house.		St. Warborough's.
Præmunire.		Watches.
		Wills.

THE



AN
ABRIDGMENT
OF THE
Ecclesiastical STATUTES.

Abatement.

10. Car. 1. *Seff.* 2. *cap.* 14.

5. Ed. 6. *cap.* 7. *En.*

THE making the Plaintiff in any Action an Archbishop or Bishop depending, the Suit shall not abate it.

Ability.

Articuli Cleri. c. 13. *An.* 9. *Ed.* 2. The Examination of the (a) Ability of a Person presented to a Benefice belongs to the Ecclesiastical Judge. *5. Co.* 57. *Inf.* 631.

B

33 Hen.

(a) As to his Ability divers exceptions may be taken, First, concerning his Person, as Bastardy, Outlawry, Excommunication, a Layman under Age and the like, Secondly, concerning his Conversation, as if he be *criminosus*, &c. Thirdly, concerning his Inability to discharge his Pastoral Duty, as if he be unlearned, and it hath been resolved that such Causes as are sufficient to deprive an Incumbent, are sufficient to refuse a Presentee, and if the Cause of Refusal be for default of Learning,

33 Hen. 8. Sess. 1. c. 8. All religious Persons professed after the suppressing, or otherwise giving up of their Houses to the King, or any other, may from thence purchase and inherit, sue and be sued as other Subjects; and enjoyful all lawful Things falling to them, (after such Deraignment) as if they had never been professed—But shall not be Heirs to any Persons, or demand or take any Lands, or other Things, by any Title before their Deraignment—Such Persons being Priests, or having vowed Religion at Twenty-one (unless it be proved they were enforced or unlawfully compelled thereunto) shall not be enabled to marry.

28 Hen.

Learning, or that he is an Heretick, Schismatick, or the like belonging to the Knowledge of the Ecclesiastical Law, the Bishop must give notice thereof to the Patron: But if the Cause be temporal as Felon, Homicide, &c. or if the disability grows by an Act of Parliament or other temporal Law, no notice ought to be given, unless notice be prescribed to be given thereby. But *Quare Impedit* against a Bishop for refusing a Clerk, he must shew the cause of his Refusal specially, and not say in general, that the Person presented was a Schismatick, or a Heretick, &c. for whether the Cause be Spiritual or Temporal, the Examination of the Bishop concludes not the Plaintiff, the Cause being traversable; and the reason why the Cause must be shewn spiritually is, that the King's Court, being Judges of the principal Cause, may consult with learned Men in that Profession, and resolve whether the Cause be just or no, or the Party may deny the same, and the Court shall write to the Metropolitan to certify it, for if the Person refused be Living, it shall be tried by the Metropolitan, but if dead, by the Country. 2. Inst. 632. 5, Coke, 58. a *Specots Case*. But Doctor Godolphin in his Abridgment of the Ecclesiastical Laws 206, says, that altho' a *Quare Impedit* may be brought against the Ordinary in the Case aforesaid, yet the Ordinary may decree a Process *de Jure Patronatus* in the Case to enquire by a mixt Jury of Ecclesiastical and Laymen touching the said Advowson or Right of Patronage, according to the Laws and Customs of the Church. See *postea*, tit. *Quare Impedit*.



Absentees.

28 Hen. 8. c. 3. The King to enjoy as the Right of the Crown, all Honours, Mannors, &c. whereunto *Thomas Howard* Duke of *Norfolk*, and the Lord *Barkley*, his Coparcener, or *George Talbot*, Earl of *Waterford* and *Salop*, or the Heirs general of the Earl of *Ormond*, and the Abbots of *Furness* : St. *Augustine* in *Bristol*, the Priors of *Christ-Church* in *Canterbury*, of *Lathony* and *Cartmell* ; the Abbot of *Kentsham*, the Abbot or Prior of *Osnay*, the Abbot or Prior of *Bath*, and the Master of St. *Thomas* of *Acres* (all Absentees) or any of them, or any
 2 to their uses, have lawful Title. — A saving for all Subjects living in this Land — A Proviso, not to prejudice the Rights of Persons mention-
 3 ed in said Proviso. — Nor any Archbishop, Bi-
 4 shop, &c. of this Land (being resident therein) or their Successors, other than the Abbots, Priors, and Masters aforesaid, and their Successors, for their Synodals, Visitations, Proxies, &c. which they are intituled to have by Composition, Custom, or otherwise. Nor the Bishop of *Meath*, his Successors for Synodals, &c. in or out of the Houses and Granges of *Duleeke* and *Colpe*, Churches and Benefices in *Ireland* belonging to them, and the House of *Lanthony* in *England*.

Administrators.

28 Hen. 8. cap. 18. (b) Administration of Intestates Goods (or where the Executors refuse
 B 2 to

(b) Administration of Intestates Goods or where the Executors refuse to prove the Will, shall be granted, &c.] Where the Executors renounce, the Testator is deemed to have died Intestate ; but there must be an actual Renunciation by all the Executors ; for if there are twenty Executors and one proves the Will, tho' the rest renounce before the Ordinary, yet they may Administer afterwards when they please, and the Executor who proved the Will must

Administrators.

21 H. 8. c. 5. to prove the Will) shall be granted to the Widow.

Administration to whom.

Finch. Lib. 2. must name them in every Action brought by him as an Executor, and they may release Debts, and the Right of Executorship shall survive to them, 9 Co. 37 a. *Hensloes Case*; 175. 1 *Show.* but if they renounce after the Death of the Executor who proved the Will, the Testator, as from that Time is supposed to have died Intestate, so as to entitle the Ordinary to *testam. c. 42.* grant Administration of the remaining personal Estate, *Salk. T. Jones 161. 311. House, &c. ver. Lord Petre.* If an Executor administers he has put it out of his Power to renounce, and if he doth, yet Administration committed during his Life is void, 9 Co. Ant. 1. Mod. 213. And in *Hard. 111.* If there be two Executors and one only refuses, and the refusing Executor survives, Administration committed during his Life, is void. But by the Civil Law an Executor once renouncing can never act, *Salk Antea.*

An Executor proves the Will, and by his Will appoints three Executors, who not having proved this Will, the Ordinary, not knowing of the second Will, grants Administration *de Bonis non*, afterwards two Executors die, and the third renounces, the Administration is void being granted before the Renunciation of the Surviving Executor, *T. Jones, 72.*

Administration may be granted where the Executor becomes *Non Compos*, because that is a natural Disability, *Salk. 36. 1.* So may it be granted *Durante Absentia*, which shall be intended Absence beyond the Seas, or *Durante Minore Etate* of the Executor, or *Pendente Lite*, and such Administrator is accountable to the Executor, *Salk. 42.* *Pendente Lite* is to be understood where the Controversy is concerning the Right of Administration, for if it be granted *Pendente Lite* concerning a Will, it is utterly void; for he who comes in under a Will, shall avoid all that which an Administrator can do, *Carthew, 153. 3d. Keeble, 54.* Administration may likewise be granted *Durante Minore Etate* of an Administrator, which is until he be 21, but, *Durante Minore Etate* of an Executor ceases at 17, *Gr. El. 602.* For its the Act of the Party, and by the spiritual Law one may be an Executor at that Age, but Administrators are by the Stat. And in the eye of the Law one is not capable to act as a Trustee for another until 21. The spiritual Court will not grant Administration to any under 21. And this by Construction on the Stat. of *Distributions*, because they are to give Bond, &c. *Salk. 39. Carthew, 446.* But tho' an Infant may administer at 17. yet

dow (c) or next of Kin of the Person deceased, (d) or to both, as the Ordinary shall think fit, taking Security of them for the true Administration. — Where divers, in equal Degree of Kindred to the Intestate, claim Administration, or where one Person only desireth the Administration as next of Kin, where divers Persons be in Equality of Kindred, the Ordinary may accept any one or more making request. — Where divers require Administration, or but one or more of them, and not all, being of equal Degree, do make Request, the Ordinary may admit the Widow and him or them only making Request, or any one of them at his Pleasure, (e) taking nothing for the same.

4 10 Car. 1. Sess. 3. c. 10. If any shall obtain from such Persons who have procured Administration to be committed to them (and are

B 3

yet he cannot commit a *Devastavit* until 21. 1. Vern. 328.

Where an Executor dies before *Probate*, Administration must be granted to the next of Kin of the 1st. Testator, *Cum Testamento annexo*, unless where the first Executor was also residuary Legatee; for then he is *in loco heredis*, and in such Case, tho' he die before *Probate* or afterwards, his Executor hath the Right of Administration; but if the Residue is given to another, the Person to whom it is given hath the Right, as Dr. Drury, once Judge of the Prerogative Court, informed the Judges the constant practice to have been, *Dyer*, 372 *Isted* and *Stanley*.

(c) *Of next of Kin.*] The half Blood may be taken nearer of Kin, than a remote Kinsman of the whole Blood, 1. *Ven.* 323. But there are some Administrations out of this *Stat.* as Administrations *Durante Minore Etate & Pendente Lite*, which need not be granted to the next of Kin. 1 *Ven.* 219.

(d) *Of to both.*] Administration may be granted of Part to one, and Part to another, but of an entire Thing, as a Bond of a 100*l.* it cannot, *Salk.* 36.

(e) *Taking nothing for the same.*] This is to be understood, for admitting one before another, for by the *Stat.* which See under *Tit. Fees*, He is allowed a Fee for the Commission of Administration.

43 *El. c. 8. En.*
 Executor in
 his own
 Wrong.

of mean Estate, and not of Kin to the Intestate) any Goods or Debts of such Intestate, or a Release or other Discharge of any Debt, or Duty that belongeth to the Intestate upon any Fraud, or without such valuable Consideration as shall amount to the Value of the Goods or Debts, or near thereabouts (except in Satisfaction of some just Debts or the Value thereof owing to him by the Intestate at his Death) he shall be charged as Executor in his own wrong, to the Value thereof.----But he may deduct Allowance to himself, of all just and principal Debts, upon good Consideration, without Fraud owing to him, by the Intestate, at his Death, and of all other Payments made by him, which lawful Executors or Administrators may or ought to have and pay by the Laws of this Realm.

22 & 23 *Car* 7 *Gul. 3. Sess. 1. c. 6. (f)* All Ordinaries and Ecclesiastical Judges (as well of the Prerogative Court of the Archbishop of *Armagh*,
 2 *c. 10. En.* In what manner grantable.
 1 *Shore* 407. as

7 *Gul. 3. c. 6.* (f) All Ordinaries and Ecclesiastical Judges having Power to commit Administration.] The Power of granting Administration originally belonged to the Bishops, contrary to the Opinion in 9 *Co. 37, &c. Henslo's Case*, and the Instance of some Lords of Manors urged in that Case, is not a Proof to the contrary, *Salk* 37.

If Administration be granted by the Official or Commissary of the Ordinary, or in some Cases by the Arch-Deacon, or other Inferior Ecclesiastical Judges who have lawful Authority, in such Case it is sufficient; and tho' the *Stat. 31. Ed. 3.* says, *the Ordinaries shall depute*. They are Ordinaries to that Purpose within that *Stat. 9. Co. 41. a. Hensloe's Case*.

But in some Cases the Ordinary hath no Power to grant Administration tho' the Intestate died within his Diocese, as where the Intestate leaves *Bona notabilia* in several Dioceses of the same Province, here there must be a Prerogative Administration; if in two Dioceses of one Province, and two Dioceses of another, there must be two Prerogative Administrations, *Salk. 39, 2. Lev. 86. Bona notabilia* are where a Man at the time of his Death had Goods or Debts in

Administrators.

as all others) having power to commit Administration of Intestates Goods, shall upon their granting Administration, take sufficient Bonds with two or more able Sureties (Respect being

B 4

had

in any other Diocese or peculiar Jurisdiction within that Province, besides the Goods in the Diocese where he died, amounting to the value of 5 l. at the least, and then the Probate of the Will, or granting Administration belongs to the Archbishop of the Province where he died; but this does not prejudice those Dioceses where, by Composition or Custom *Bona notabilia* are rated at a greater Sum. Administration granted in one County, where the Person whose Favour a Bill of Exchange was drawn, died, when the Debtor who drew the Bill lived in another, this Bill made *Bona notabilia*, it being no more than a Debt upon Simple Contract, which follows the Person of the Debtor (and not like a Debt upon a Speciality) and therefore a Debt where the Drawer lived. *Carthew*, 373. A Judgment obtained in *Westmin.* made *Bona notabilia*, tho' the Action was laid in another Country, because the record is at *Westmin.* *Carthew*, 149. But Bond-debts make *Bona notabilia* where the Bonds or other Specialities are at the time of the Death of the Obligee. *1 Rol. Abr.* 908, 909. A Lease for Years shall also make *Bona notabilia*, *ibid.* If a Man have two Houses in several Dioceses, and lives most at one, but sometimes goes to the other, and being there for a Day or two dies, Administration shall be granted by the Bishop of this Diocese, for he was Commorant there, and not there as a Traveller, *Salk.* 37.

If a Man die Intestate without Kindred, the Ordinary may dispose in *pious usus*, but the usual Course is, for some one to procure the King's Letters Patents, and then the Ordinary admits the Patentee to Administration, but this is rather of Respect than of Right, *Salk.* *ibid.*

An Administration may be either void or voidable; it is void, when granted in a wrong Diocese, and there is a Nullity in all mean Acts of the first Administrator, and *Trover* will lie against him; and voidable when committed to a Creditor where there is a Kinsman, but though it be afterwards repealed at the Suit of the next of Kin, the Creditor shall retain against the Rightful Administrator, and his disposal of the Goods, even pending the Citation till Sentence of Repeal, stands good, *Salk.* 38, 5. *Co.* 29. *b.* *Princes Case.* Administration granted by the Metropolitan where the Intestate had Goods in an inferior Diocese only, is voidable by Sentence, but not void, because the Metropolitan hath

Administrators:

had to the Value of the Estate) in the Name of the Ordinary, with Condition,

Nov 28.

1. To make a perfect Inventory. (g)
2. To return it by a certain Day. (h)
3. Truly to administer. (i)

4. To

hath Jurisdiction in all the Dioceses of his Province, 5. *Co. Ant.*

When the Ordinary hath granted Administration according to this *Stat.* he cannot revoke it without good cause (as if the Administrator becomes *Lunatick*, &c. by which he is disabled to administer) for the Grantee hath an Interest in the Goods by this *Stat.* which the Ordinary cannot take from him without Cause. 1 *Leo* 86. *Offy and Baets.* And because the Ordinary hath then executed his Power. *Raym.* 93.

How the Surplus shall be distributed. *Wid. 2 Vern.* 648. 675. 736. 1 *Vern.* 473.

(g) **To make a perfect Inventory.]** By this *Stat.* the Inventory is to consist only of Goods, Chattles, Wares and Merchandizes, and not of Things in Action. *Raym.* 471. And by a Clause in this *Stat.* which see under *Tit. Inventory*, Lands, Tenements, &c. devised to be sold, or the Money gotten for the same, or the Profit of the Lands, shall not be accounted Goods and Chattles.

(h) **To return it by a certain Day.]** The Ordinary doth frequently dispense with a longer Time to bring in an Inventory, and so he may dispense with the Inventory upon Cause, as in *Raym.* 470. before the Delegates: A Man leaves Legacies to his younger Children, and the Residue of his Fortune to his eldest Son, whom he makes sole Executor, the eldest Son proves the Will, and swears to bring in an Inventory; a Time is assigned him by the Judge of the Prerogative Court, who was afterwards of Opinion, that an Inventory was not necessary, because all the Legacies, except one, was paid, (which the Executor offered to pay) and Releases given, the Legacy unpaid bore but 4*h* per Cent. by the Will, and the Executor allowed 6*l*. The Delegates therefore sentenced, that there was no need of an Inventory at the Plaintiff's Instance, who was the youngest Son and the Legatee unpaid.

(i) **Truly to Administer.]** That shall be construed in bringing in this Account, and not in paying the Debts of the Intestate, and therefore a Creditor shall not make an Assignment of the Bond and sue it, and assign for Breach the non-payment of a Debt to him, or a *Devastavit* for that would

Administrators.

4. To make a just Account of his Administration by a certain Day. (k)
5. And shall pay and deliver such Part of the Estate to such Persons as the Judges shall grant according to this Act.
6. If any Will appear and be proved, that he will surrender his Letters of Administration, being thereunto required.
7. Which Bonds are declared to be good in Law, and pleadable in any Court of Justice, and the said Ordinaries, &c. may call such Administrators to Account, and upon hearing and due consideration, may order an equal and just Distribution of what remaineth clear (after all Debts, Funeral Charges and just Expenses of every sort first allowed) among the Wife and Children, or Childrens Children, if any such be, otherwise to the next of Kindred of the Intestate, in equal Degree, or legally representing their Stocks *pro suo cuique jure*, according to the Law in such case; and the following Rules, and the same Distribution to decree and settle, and to compel such Administrators to observe and pay the same by due Course of the Ecclesiastical Laws, saving to Persons aggrieved their Right of Appeal as usual.
8. And all Ordinaries, &c. enabled to make Distribution of such Surplusage, shall distribute how to be the same as follows, viz. one third Part to the made. Wife of the Intestate, and the residue equal. ^{2 Lev. 173.}

would be needless and infinite. *Salk.* 316. *Archbishop of Canterbury and Wills.* *Vaughan.* 56, 57.

(k) To make a just Account of his Administration by a certain Day.] The Bond being so, he must account accordingly at his Peril, and that without Citation or Suit, and this Account must be in Court; and if he comes at the Day and no Court is held, he shall be excused, for he may plead he was there ready and no Court. *Salk.* *Supra.*

ly (1) amongst his Children, or such as legally represent them, if any of them be dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by him in his Life-time, by Portion or Portions, equal to the other Shares; and in case such Child (other than the Heir at Law) advanced by Settlement or Portion, be not equal to the other Shares, then to have so much as shall make the Estate of all the Children equal, but the Heir at Law (notwithstanding any Land he shall have by Descent, or otherwise) shall have an equal Part in the Distribution with the rest of the Children, without any Consideration of what he hath from the Intestate: and in case there be no Children, nor any legal Representative of them, then one Moiety to the Wife, and the Residue to be equally distributed amongst the Kindred of the Intestate, in equal Degree, and those that represent them.

Representati- But (m) no Representations to be admitted 9
on and Distri- amongst Collaterals after Brothers and Sisters
bution. Children;
Raym. 496.
Comberb. 112.

2 *Lev.* 173. (1) Among his Children or such as legally represent
2 *Vern.* 124. them.] Upon an Appeal to the Lords, the Decree of the
Garthw. 15. Lords, by the Advice of the two Chief Justices, and o-
ther of the Judges, was, that the half Blood should come
in for an equal Distribution with the whole Blood, 2
Ven. 317.

Every Brother and Sister, and the Representa-
tives of them. *vid. Antea Ven.* 317.

(m) No Representation amongst Collaterals af-
ter Brothers and Sisters [Children.] On this Clause
there was a Question whether it was intended of Brothers
and Sisters to the Intestate, or whether, when Distribution
falls out amongst Brothers and Sisters tho' remote Rela-
tions to the Intestate, Representation shall be admitted.
Cur. no Representation but between Brothers and Sisters
of the Intestate. 2 *Vern.* 233. *Maw and Harding.* *Salk.*
250. *Pet. and Pet.* Where it was held that Brothers
Grand-

Administrators.

Children; and if there be no Wife, then all the Estate to be distributed equally amongst the Children; and if there be no Child, then to the next of Kindred in equal Degree to the Intestate, and their legal Representatives as aforesaid.

- 10 But (n) no such Distribution shall be made till after one Year after the Intestate's Death, and any one to whom every Share shall be allotted, shall give Bonds with sufficient Sureties in the said Courts, which shall be good in Law and pleadable in all Courts of Justice, (that if any Debts truly owing by the Intestate be afterwards sued for and recovered, or otherwise duly made appear, in every such Case he or she shall refund
- Distribution
when.
Sharers to give
Bonds.

Grand-Children could not share with Brothers Children, nor the Aunt with the Grand-Mother. *ibid.*

251.

(n) But no Distribution shall be made till one Year. Yet an Interest vests in the Parties entitled to have any shares immediately after the Death of the Intestate, and the *Stat.* doth not make any Suspension or Condition precedent to the Interest of said Parties, for this Clause is merely for the Benefit of Creditors, and doth not relate to the Interest of the Parties, &c. and therefore tho' the Party die within the Year, it shall go to his Administrator, and not to the Administrator of the Intestate; and the *Court* held this *Stat.* to be in nature of a Will, for all Persons who should die Intestate. The Question here was (Whether the Husband should have Administration to his Wife, who was Sister of the half Blood to the Intestate, she having died within the Year) it being insisted on, that here Title to a Share was wholly in Contingency, provided she survived the Year, and it was resembled to the Case of a *Residuary Legatee*, who dying before the Debts are satisfied, so that it doth not appear to how much the Surplus will amount, yet his Executor or Administrator shall have the whole Residue, &c. which remains over, &c. and not the Executor of the first Intestate: So where a Sum of Money is bequeathed to T. S. to be paid when he is of the Age of 21 Years, *1 Leon. 277.* and he dies before that Time, his Executor shall have the *Dyer. 69.* Legacy. *Carth. 15. Brown and Farndsh.*

refund and pay back his or her rateable Part thereof, and the Administrators Charges and Costs of Suit.

Administrati-
on, *cum Tes-
tam. annex.*
19 Car. 2. c.
3. En.

In all Cases where the Ordinary had used to grant Administration *cum Testamento annexo*, he shall continue so to do; and the Will of the deceased in such Testament expressed, shall be observed, as it should have been, if this Act had not been made.

Estates of Fe-
mes-Covert.
W. Jones 175.
1 Shore 351.

This (o) Act does not extend to the Estates of *Femes Covert*, but their Husbands may demand the Administration of, and enjoy their personal Estates as they did before this Act.

Administrator
how to be cit-
ed, and by
whom.
1 Rol. Rep.
858.
1 Jac. 2. c. 17.
En.

No Administrator shall be cited into any of the Courts in this Act mentioned, to render an Account of the Intestate's personal Estate, otherwise than by an Inventory, unless it be at the Instance or Prosecution of some Person in the behalf of a Minor, or having a Demand out of the same, as a Creditor or next of Kin, and shall not be compellable to account before any Ordinaries, &c. otherwise than as aforesaid.

Children in-
testate.

(p) If after the Death of a Father, any of his Children die Intestate without Wife or Children,

(o) This Act not to extend to the Estates of *Femes Covert*, but their Husbands may demand Administration, &c.] Where the Husband dies, the Ordinary is at election either to grant Administration to the Wife or next a kin, for this is grounded on the 21 Hen. 8. c. 5. Yet in that Case she shall have her share on the Stat. of Distributions. But where the Wife dies, Administration must be granted to the Husband by 31 Ed. 3. Stalk. 36. Comberb. 289.

1 Jac. 2. c.
17. Eng.

(p) If after the Death of the Father any of his Children die in the Mother's life Time.] The reason of making that Act was, because the Mother might marry and carry all away to another Husband, for before that Stat. If one died without Wife or Child, his Mother had all, and his Sisters and brothers nothing. The Father surviving

dren, In the Mother's Life-time, every Brother and Sister, and the Representatives of them, shall have an equal Share with her.

15 Where any Executors or Administrators shall obtain Judgment at Law, in any of the King's Courts of Record in their own Names, for any Debts due to the Testator or Intestate, and shall die before any Execution sued forth, any Administrator of the Goods unadministred of the first Testator or Intestate, may sue forth a *Scire Facias* upon the same, and have the Benefit thereof, as fully as such Executor or Administrator might have had if living.

17 Car. 2. c. 8. En. Administrator de bonis non may sue a *scire facias*. 2 Saund. 149. 150.

16 The Custom of *Ireland*, that a Person can only dispose of a Third of his personal Estate by Will, and that the other two Parts shall go to his Wife and Children, of which one entire Third to the Wife; and in case of no Will, to go in a Course of Administration, as aforesaid, and if he leave a Wife only and no Child, then to have a Moiety, and the other only to be subject to his Disposition, &c. (and so in like manner, if he have a Child or Children and no Wife) is declared void.

30 Car. 2. c. 7. En.

17 All Executors and Administrators of any, who as (q) Executors in their own Wrong or Administrators shall waste or convert to their own use, any Goods, Chattles, Estate, or Affets of the deceased; shall be chargeable to make good the same out of the Affets of such wasting or converting Executor or Administrator.

Executors in their own wrong chargeable.

West.

surviving has all at this Day. By the common Law the Father and Mother were nearer than Brother and Sister; and it was about the time of *Hen. 2.* That the Father and Mother began to be excluded as to the real Estate, but not as to the personal. *Salk. 215.*

(q) **Executors in their own Wrong.** Taking the Goods of the Intestate, and Using them, or Selling them; or taking them into one's Possession, which is the Office of an Executor or Administrator, is an Administration to charge

• *Inst.* 356.

West. 2. c. 5. 13. *Ed.* 1. *En.* (r) Usur-
pation of Churches—during Wardship, parti-
cular Estates, Coverture, or Vacancy, shall not
bar the Heir at full Age, the Reversioner or
Remainder in Possession, the *Feme Discover*, or
the spiritual Person in Succession, from having
the Writ of Advowson possessory, viz. *Quare
Impedit*, or an Affize of Darrein Presentment,
as their Ancestors or Predecessor might have
had, if the Usurpation had happened in their
Time: Whereas before this Act they were (in
such cases) put to their Writ of Right of Ad-
vowson—one and the same Form of²
Pleading shall be used in Darrein Presentment,
and *Quare Impedit*, viz. If the Defendant al-
ledgeth Plenarty, of his own Presentation, the
Plea shall not stay, by reason of the Plenarty, so
as the Writ be purchased within six Months,
albeit he cannot recover within that Time.

Where Partition is made upon Record, or by 3
Fine, to present by Turn, the Coparcener that
is disturbed shall not be put to a *Quare Impedit*,
but may have Remedy upon the Roll, or Fine⁴
by *Scire Facias*.——When six Months pass,
hanging

charge a Man as Executor in his own Wrong. But when
there is an Executor who proves the Will and Administers,
if a Stranger takes any of the Goods, and claiming them as
his own, uses or disposes of them as his own, it will not
make him an *Executor in his own Wrong*, because there is
another who is a rightful Executor, and the Goods so taken
shall be Assets in his Hands; But if the Stranger takes the
Goods and claiming to be an Executor, pays Debts or Lega-
cies, and intermeddles as an Executor, he may be charged
as an Executor in his own Wrong, notwithstanding there is
a rightful Executor, 5 Co. 33 b. *Read's Case*, *Salk.* 313.

(r) Advowson is a Right to present to a Benefice and is
of two Sorts, in Gross, that is, sole, not adhering to any
Mannor as parcel of its Right, and Appendant, which de-
pends upon a Mannor as appurtenant to it, it is a Temporal
Inheritance, for that it lieth in * Tenure, and may be hol-
den

• 1. *Inst.* 85.

- hanging a *Quare Impedit*, or Darrein Presentment, so that the Bishop present by Lapse, the Patron shall recover Damages or two Year's Value of the Church; otherwise only to a Year's Value. — The Disturber, not being able to render Damages, shall in the first Case, have Imprisonment of two Years, and in the other of half a Year.
- 6 Writs also shall hereafter be granted for Chapels, Prebends Vicarages, Hospitals, Abbies, Priorys, and other Houles which be of the Advowson of other Men. — When the Parson of a Church is disturbed, to demand Tythes in the next Parish by *Indicavit*, the Patron shall have a Writ to demand the Advowson of those Tythes, and when it is deraigned, then shall the Plea pass in the Court Christian. — Amongst Coparceners, if one present twice together, yet shall not the other be barred, but have his or her turn when it falleth.
- 9 *Prerog. Reg. c. 8. 17. Ed. 2. En.* Lapse of six Months shall not prejudice the King's Presentation to a Church.

De

den either of the King's or of a common Person, a common Recovery may be suffered thereof, it may be forfeited by 5. Co. 40. Attainder of Treason or Felony, six Months plenarty, Re-popb. 22. cufancy, Outlawry, Negligence or Lacks of Presentment, Translation or lesser, and given away in Mortmain, a Woman shall be endowed thereof, and have the third presentation, a Man shall be Tenant by Courtesie thereof, and it shall be 4 Affets. § 1. Inst. 374.

See hereafter Title *Quare Impedit*, where by the Stat. 6. Fleta. lib. 1. Bro. 2. cap. 23. A further and more speedy Remedy is 2. cap. 65. given upon 11. Usurpations of Avoidances, which Statute, in some Cases seems declaratory of the Stat. of West. 2. cap. 5.

See antea, the Notes upon Title Ability.

Alms-Houses.

De Clero. c. 3. 23. Ed. 3. En. When the King collates to the Church in anothers Right, his Title shall be well examined, and the Patron grieved shall have as many Writs thereupon as shall be needful.

De Claro. c. 7. 25. Ed. 3. En. When the Ordinary presents by Lapse and the King takes the Suit against the Patron, who in Deceit suffers the King to recover, in this case, when the King's Right is not tryed, the Ordinary or Incumbent may counter-plead the King's Title.

Alms-Houses.

12. *Sec. 1. c. 10. pars.* Where any Archbishop or Dean, shall be disposed to erect one or more Alms-Houses upon convenient place of his Mensal, or other Lands out of Lease, such Archbishop or Bishop, or such Dean, with the Consent of the Bishop of the Diocess, under his Episcopal Seal, may set apart so much (not exceeding one Arce for any Alms-House) as is sufficient for that Use; and may convey the same, by proper Deeds, to the Church-Wardens of the Parish, and their Successors for ever, to be applyed to the use of the Alms-House, and to no other purpose, so as such Deeds be Registered in the respective Registries of such Archbishop or Bishop, which Deeds so Registred, shall be an effectual Conveyance of such part of such Lands, so long as they continue for the use of such Alms-Houses, and no longer.

Amerciaments.

Magna Charta, c. 14. 9. *Hen.* 3. *En.*
Church-men (*f*) shall be amerced according to
their Lay-tenement and Quantity of their Of-² *Inf.* 29
fence, and not according to their spiritual Be-
nefice.

St. Andrew.

- 1 17 and 18. *Car.* 2. *Sess.* 5. c. 7. The
Ground called the Stane, alias *Lazar*, alias *La-*
zy-bill, to be part of St. *Andrew's* Parish, and
to be Presentative as a Vicarage by the Lord
Chancellor, the Archbishop of *Dublin*, the
Vice-Treasurer, the chief Justices of the King's
Bench and Common-pleas, the chief Baron, and
the Master of the Rolls, and their Successors, or
by any four of them, whereof the Archbishop
to be always one.
- 2 The Church-Wardens then appointed (which
see in the Stat.) and their Successors to be a Bo-
dy corporate, and to have power to sue and be
sued by the Name of the Church-Wardens of
the Parish of St. *Andrew's*, and by that Name
to purchase Lands, &c. of the yearly Value of
100 *l.* to the Use of the Parish notwithstanding
the Statute of Mortmain.

C

And

(*f*) Amerciament is a pecuniary Punishment of an Of-
fender against the King or other Lord in his Court, that is
found to be in *Misericordia*, i. e. to have offended and
to stand to the Mercy of the King, &c. and is to be affeer-
ed or assessed by the Peers or Equals of the Offender.

By this Statute, saith my Lord *Coke*, a Privilege of the
Church appeareth, that if any Ecclesiastical Person be a-
merced (tho' Amerciaments belong to the King) yet he
shall not be amerced in respect of his Ecclesiastical Pro-
motion, or Benefice, but in Respect of his Lay Fee, and ac-
cording to the quantity of his fault which is to be assessed,
2. Inf. 29.

Apprentices.

And the Rectory of the said Church, with certain Houses and their Backsides inclosed within the Church-Yard having anciently belonged to the Precentor of the Cathedral Church of St. Patrick's, as part of the Corps of his Precentorship, enacted that he and his Successors shall be Rectors of the said Parish, and shall have the yearly Sum of 10 pounds appropriated unto him and them, to be paid by the Vicar or Incumbent thereof, in two equal portions, on the Feast of St. John Baptist, and the Nativity of our blessed Lord and Saviour.

Apprentices.

2 Geo. I. c. 17. The Minister and Church-Wardens of every Parish, may bind out, with the Approbation of one Justice of the Peace for the County, any Child they find begging within their Parish, or any other poor Child in the Parish, with the Consent of the Father, if living, or the Mother, if the Father be dead, to any substantial Protestant House-keeper or Tradesman that will entertain such Child, as a menial Servant till such Child be 21 Years of Age; or to any credible Tradesman, as an Apprentice to his Trade till he be 24.—The Age of every Child, so bound out as a menial Servant, or Apprentice, shall be ascertained in the Indentures, and the Age fixed thereby, shall in all Controversies between such Children and their Masters or Mistresses be deemed the true Age of such Child; and an Exemplification of such Indentures, which shall alway be entred in the Vestry-Book of the Parish, being signed and sealed by the Minister and Church-Wardens, shall in all Controversies be as authentick as a Counter-part of the said Indentures.

Cove-

- 3 Covenants usually inserted in favour of Servants in other Indentures of Apprenticeship, shall be inserted in the said Indentures.

Appropriations.

- 1 15 Ric. 2. c. 6. En. In every Licence in Chancery of the (t) Appropriation of any Church, this shall be contained, viz. That the Diocesan shall ordain (according to the Value of such Church) a convenient Sum to be yearly distributed out of the Profits thereof to the Poor of the Parish by the Appropriators and their Successors for ever; and also that the Vicar shall be sufficiently endowed.
- 2 4 Hen. 4. c. 12. En. The Statute of 15 R. 2. c. 6. En. shall be duly executed, and Appropriations made since that Statute contrary thereto, shall be reformed before Easter, or else to be void.—All Vicarages annexed or appropriated since 1 R. 2. shall be void. — In every Church so appropriate, a secular Person shall be ordained Vicar, canonically instituted and inducted in the same, and conveniently endowed, (by the Discretion of the Ordinary) to do divine Service, inform the People, and keep Hospitality there, and no Religious shall be hereafter made Vicar in any Church so appropriate.

C 2

10

(t) Appropriation from the French Word *Appropriier*, i. e. *aptare*, *accommodare*, signifies the severing a Benefice Ecclesiastical (which originally, and in nature is, *Juris Divini, et in patrimonio nullius*) to the proper and perpetual Use of some Religious House, Bishoprick, College, &c. so called, because Persons not being ordinarily accounted (*Domini*) but *Usufructuarii*, having no right of Fee Simple, are by reason of their perpetuity accounted owners of the Fee Simple, and therefore called, *Proprietarii*: Impropriation is properly so called, when it is in the Hands
of

Appropriations.

10 and 11 **Car. 1. Sess. 4. c. 2.** Any of full Age, *Sane Memorie* and not *Covert Baron*, and all Bodies Politick and Corporate, seized of Appropriations of any Benefices Ecclesiastical, or of any Glebe Lands, Tythes, &c. or Rights heretofore Ecclesiastical, of any Estate of Inheritance in Possession, Reversion, Remainder, or in Use, may (without any Licence to alien in *Mortmain*) restore the same, or any part thereof, for the better Maintainance of the Ministers of God's holy Word and Sacraments, (either by Deed under their Seals made and delivered in the presence of Three sufficient Witnesses, or by their last Will in Writing, published in the Presence of the like Number of Witnesses) unto any the Parson or Vicar of the said Parishes, and his Successors (if any such be endowed) where the said Appropriations, &c. are; or if there be no such Parson or Vicar, then to the Archbishop of that Province, or Bishop of the Diocess,

of a Lay-man, and Appropriation when in the Hands of a Bishop, &c. though sometimes they are confounded as you may see in the above Statute,

And though now they are become Lay Inheritances and adapted as well to Secular as Ecclesiastical Persons, yet in the primitive times it was held unlawful for Secular Persons to have any thing to do with the Revenues of the Church, for *Beneficium non datur nisi propter Officium*, nor is it a sufficient answer to say the cure may be served by a Curate for them; for the question is not, how they might make a Curaté, but how themselves were capable, for it must radically vest in the first Grantee, before it can go in Title of Deputation to another, for the proper words of an Appropriation, are such as must make the Patron and his Successors, perpetual Parsons.

To dissolve an Appropriation, the Patrons presenting a Clerk to the Bishop with his Institution and Induction thereupon, is sufficient, or recovering the Advowson by an Elder or more Legal Title, than that of the Appropriation or a Dissolution of the Corporation unto which it belonged. But see under Title Parish Churches, *Sect. 57.* where the Presentation of a Patron shall not disappropriate a Rectory.

Diocess, and to their Successors, in Trust for the Use of such Ministers as shall serve the Cure in the said Parish, until there be a Rector, &c. established, and then to the Use of him and his Successors for ever; such Trust to be expressed in such Deed or Will, or otherwise in some Writing under the Seal of such Donor or Devisor. And immediately (after such Deed made, or Devise, and the Death of the Devisor) the said Parson or Vicar, and his Successors, to whom the same is granted or devised, and the said Metropolitan, Bishop and Bishops, to whom such Grant or Devise is made in Trust, shall be seized of the Premises to them and their Successors for ever respectively of an absolute Estate in Fee-simple.

6 And if within the Parish (where such Donations are bestowed) there be no Parson or Vicar endowed, then the Ordinary and Metropolitan of that Diocess (after there shall be Glebe Lands, Tythes, &c. amounting to the third Part or more of all the Profits of the entire Impropriation limited as aforesaid) by their Writings under their Archiepiscopal and Episcopal Seals, may ordain and constitute a Parson or Vicar of the Parish in perpetual Succession, to him and his Successors for ever, and shall cause him to be admitted, instituted and inducted thereto, and inrol the same (within convenient Time after) in the *Exchequer*, at the Costs of the said new ordained Parson or Vicar, after which he shall in Law be Parson or Vicar of the Rectory, Church and Parish to him and his Successors for ever, and shall be seized to him and Successors of the said Parsonage, Appropriation, Glebe-Lands, &c. in Fee-simple, as Parson and Rector, or Vicar of that Church or Parish.

Appropriations.

When such Donation or Devise shall be made, 7 if it be the only and sole Endowment of such Minister, in Right of the same Church, or if it be four times more in yearly Value, as such Minister formerly had in Right of the said Church, then the sole Patronage thereof shall be to such Donor or Devisor, his Heirs or Successors; if but three times as much, then to have only three Presentations upon the successive Avoidance thereof, and the former Patron the fourth; if only twice as much, then two Presentations upon Avoidance, and the former Patron one; and if it be of equal Value, or near thereabouts, under or over, then to present by Turns, whereof the Donors or Devisors to have the first Turn, and the like proportion and course to be observed where the former Endowments exceed the Value of such new ones; and the said proportions and Rates of the said Endowments to be made by Commission out of the *Exchequer*, at the proportionable Charge of the said Donors and Devisors, or of their Heirs, and of the former Patrons, which being executed and returned into the said Court, shall be final to all Parties.

—— Parsons, Vicars, and other Beneficers, 8 whose Estates and Livelihoods shall be made better by the Means aforesaid, or by any other good Means, shall be chargeable with the Repair of the Chancels of such Churches after they are built.

Archbishop of Dublin.

4 and 5. Ann. c. 26. En. The Town and 1 Lands of *Seatown*, *Newtown*, *Black-hall* and *Gamble*, the Land called *Smith's Land* with several Gardens, Plots, and Cabbins in the Town of *Swords*, and a parcel of Land in *Broad Meadow*, are by this Act vested in the Archbishop of
Dublin

Dublin and his Successors for ever, in Augmentation of the Revenues of the See subject to the yearly Rent of 9 l. 18 s. 11 d. $\frac{1}{4}$, to her Majesty.--A Debenture to be made out to him by the Earl of *Ranelagh*, for 2917 l. 5 s. 1 d. $\frac{1}{4}$, at 5 l. per cent. to reimburse him the purchase Money he paid the Trustees for the said Lands.-----Leases of the Premises to be made to *Protestants*, only at the full improved Rent without any Fine, Leases to or in Trust for *Papists*, or assigned to them, to be void, and the Lessor, Assignor and Lessee or Assignee, accepting or occupying such Lands, to forfeit treble the yearly Value one Moiety to the Queen, the other to any *Protestant* suing in the Courts of Record in *Dublin* by Bill, &c. Leases to Day Labourer of a Cottage under 430 s. yearly Value excepted.-----Leases set at an under Value may be avoided by the Successor.

Arrests.

- 1 50 *Ed.* 3. 5. *En.* None shall arrest Clerks, or other Persons of Holy Church, doing divine Service, in pain of grievous Forfeiture; so that Collusion be not found in any such Persons or Clerks.
- 2 1 *Ric.* 2. c. 15. *En.* None shall arrest such Persons or Clerks, doing divine Service, in pain of Imprisonment, and to be ransomed at the King's Will.

Affizes.

- 1 *West.* 1. c. 51. 1. *Ed.* 1. *En.* Affizes of Novel Disseisin Mortdancestor, and Darrein Presentment, shall be taken in Advent, Septuagesima, and Lent, as well as Inquests, and that at the special Request of the King made to Bishops.

Assizes.

In Assizes of Mortdancestor, and *Juris utrum*, the like Course shall be taken as in those of Novel Disseisin.

Bail.

West. 1. c. 15. 3. Ed. 1. En. By this Statute, excommunicate Persons, are not repleviable by common Writ, or without Writ.

Bastardy and Bastards.

1 Merton, c. 9. 20. Hen. 3. En. A Child born before Marriage is a (u) Bastard, albeit, the common Order of the Church be otherwise.

25 Ed. 3. Stat. 2. En. De natis ultra mare. 2 If Bastardy be alledged against any born beyond Sea, the Certificate shall be made by the Bishop of the Place where the Land demanded lyeth.

9 Hen. 6. c. 11. En. No Writ shall be awarded to the Ordinary to certify Bastardy, before three Proclamations be made in Chancery in three Months, viz. once every Month; and all Persons who have any Thing to object against the Party for (w) Bastardy, shall sue to the Ordinary for that purpose.

Bigamy.

(u) By the Civil Law a Child born before marriage is a *mulier* because begotten a *muliere*, not *ex Concubina*, and by some *quia melior*.

(w) Bastardy by the Common Law, is divided into special and general Bastardy, the latter whereof being only a Certificate from the Bishop of the Diocess to the King's Justices, after a just enquiry made, whether the Party enquired of, be a Bastard or not, upon some question of Inheritance; and the former being only a Suit commenced at Common Law against him that calls another Bastard, this being called Bastardy Special, because Bastardy is the principal and special Matter in Trial.

And

- 1 18 *Ed.* 3. *pro Clero. cap.* 2. *En.* Bigamy, shall not be tried by Inquest, but by Certificate from the Ordinary, until which Time the Party shall remain in Prison, unless Bailable.

Bishops, see Vacation of Bishopricks.

- 1 1 *Ed.* 3. *Stat.* 2. *cap.* 2. *En.* (x) The King shall not cause to be seized into his Hands, the Temporalities of any Bishop.
- 2 14 *Ed.* 3. *Stat.* 3. *pro Clero. cap.* *En.* The Temporalities of Bishops, or other People of holy Church, shall not be seized into our Hands without a just cause, according to the Law of the Land, and Judgment thereupon given.
- 3 25. *Ed.* 3. *Stat.* *pro Clero. cap.* 6. *En.* A Bishop's Temporalities shall not be seized into the King's Hands for Contempts done to the King, upon Writs of *Quare non Admisit*, and in other Cases, but he shall in such case pay a reasonable Fine, according to the Quantity of the Trespas, and Quality of the contempt.

2 *El.*

And my Lord Coke, in his readings on the *Stat. of Merton, c. 9.* Saith that ever since that *Stat.* Special Bastardy, (*viz.*) that the Defendant, &c. was born before Espousals, hath been tried in the Kings Courts, and General Bastardy in the Court Christian, and the Bishops Certificate (saith he) in Case of General Bastardy, must be according to the Laws, and Customs of *England*, and not according to any *Roman Canon* or Constitution, See 5. *Co.* 11. 12. 1st. Part.

(x) The reason of making this Statute, appears in the Preamble of the Statute at large, which recites, That King *Ed.* 2. by evil Counsellors, caused to be seized into his Hands, the Temporalities of divers Bishops, with all their Goods and Chattles therein found, without any Cause, and the same held in his Hands by a long Season, and continually thereof took the Profits, to the great Damage of the same Bishops, &c. and the two subsequent Statutes of 14. *Ed.* 3. and 25. *Ed.* 3. are Confirmations thereof, and likewise of the Statutes

Palmer, 23,
 &c. 1 Salk.
 236. Cro. Jac.
 552. 553. F.
 N. B. 169.
 sit. Restitut.
 tempor. W.
 Jones, 158,
 159.

2 Cl. c. 4. (y) No Elections of Arch-
 bishops or Bishops shall be from henceforth with-
 in this Realm, by Deans and Chapters by *Conge*
d'Eslier: But upon the Vacancy of any Arch-
 bishoprick, or Bishoprick within this Realm, the
 Queen, Her Heirs and Successors, may by Let-
 ters Patents under the Great Seal of England, or
 of

tutes of Magn. Chart. for by the Preamble to the Parliament
 held 14. Ed. 3. it is recited, That whereas in the first Arti-
 cle of the great Charter it is contained, that the Church of
 England be free, and have all her Rights entirely, &c. We
 therefore having Regard to the Great Charter, &c.

(y) The reasons of making this Statute recited in the Pre-
 amble to be, That such Elections by Deans and Chapters, were
 to the long delay and great Costs and Charges of Archbishops,
 Bishops, and that such Elections were in very deed no Electi-
 ons, but only by a Writ of *Conge d'Eslier*, had Colours or
 Shadows of Elections, serving to no Purpose, and seeming de-
 rogatory to the Queen's Prerogative Royal, &c.

Cro. Jac. 552.
 Obrian. ver.
 Kniwan. Er-
 ror from B.
 R. Ireland
 and Judgment
 affirmed.

It appears by the Case of Obrian, and Kniwan, in Cro.
 Jac. That the King in England, and in Ireland, before
 this Stat. might create Bishops by Patent, and that this Sta-
 tute did not give the Queen any new Power, but was only a
 Restitution of the Common Law; The Case was, that King
 Ed. 6. under his Privy Seal, signified to I. C. Deputy, and to
 the Lord Chancellor and others in Ireland, that he elected
 and appointed I. B. to be Bishop of *Offory*; requiring
 them to instal him, The Deputy being removed, the Chan-
 cellor and the other made a Commission under the Great
 Seal of Ireland, to the Archbishop of Dublin to consecrate
 him, which was done, and he did his Fealty, and recovered
 the Temporalities out of the King's Hands, afterwards in the
 Life of I. B. who relinquished, Queen Mary elected I.
 Toney, to be Bishop there, who was likewise consecrated,
 and made a Lease of divers Lands of the Bishoprick for 101
 Years, which was confirmed by the Dean and Chapter,
 I. B. died, and then I. T. died, and one Jonas Wheeler
 was Elected Bishop. The Questions in the Case were 1.
 whether I. B. was well created Bishop? 2. Whether the
 Lease of I. T. being Bishop *de facto*, but not *de jure*, in the
 Life of I. B. he surviving I. B. were good to bind the
 Successor? Resolved that the Letter being a Commission
 of direction was well executed, tho' the Deputy was remo-
 ved, and was not like an Authority to 3. Attorneys and to
 execute

of this Realm, or the Lord Deputy, &c. of this Realm (having Informations, *Letters Misfive*, or other Warrant Signed by the Queen, Her Heirs or Successors for that purpose) by Letters Patents under the Great Seal of this Realm, confer the same to any Person whom the Queen, Her Heirs or Successors shall think meet.

And

execute it, which is void, 2. Resolved, that notwithstanding the Letter required them to take such Order for *Bales Creation*, as by the Laws of *Ireland* is necessary, which was by *Conge d' Essier* before this *Stat.* yet that this Creation before this Statute was good enough; and that the Statute gave the Queen no new Power, but was only a restitution of the Common Law, and that the King in *England*, and also in *Ireland*, before this Statute, might create a Bishop by his Patent without any Writ of *Conge d' Essier*, which is but a Form or Ceremony which the Kings agreed to observe, 3. Resolv'd, that altho' *J. T.* was Bishop *de facto* in the Life of *I. B.* that the Lease made by him was void, tho' confirmed by the Dean and Chapter: But that all judicial Acts done by him, as Admissions, Institutions, Certificates, and such like should be good, but not such voluntary Acts as tended to the Depauperation of the Successor.

In *England* Bishopricks were originally donatives, and continued so until King *John* by his Charter granted, *De communi consensu Baronum*, that they should be eligible, which was confirmed by divers Acts of Parliament, and the Manner and Order of their Election is express'd in the *Stat. 25. H. 8. En.*

By Consecration the Bishop is Complete to all intents and Purposes as well to Temporalities as Spiritualties, and may therefore after his Consecration confer Holy Orders, upon others, consecrate Churches and Chappels, certify an Excommungment, &c. and the Power of the Guardian of the Spiritualties doth from thence cease. Likewise the King may by his Letters Patents, before Consecration, grant unto a Bishop his Temporalities, which Grant is held to be *potius de gratia quam de Jure*. In Case of Translation a Bishop need not be consecrated *de novo* as in Case of Creation.

Such is the Nature and Efficacy of the Consecration of a Bishop that altho' he be deposed or removed from his See, or by *Markham* suspended *ab officio & beneficio* from the Execution of his Spiritual Jurisdiction, as also from his Temporalities, yet still he retains the Title of Bishop, for that it is supposed the Order itself cannot be absolutely taken from him.

And upon every such Collation so made (if to 5
the Office and Dignity of a Bishop) then to be
signified to the Archbishop of the Province
where the See of such Bishoprick is void (if the
See of the said Archbishoprick be full) and if
void, then to such Archbishop within this Realm,
as shall please the Queen, Her Heirs or Succes-
sors, or the Lord Deputy, &c. having Instruc-
tions as aforesaid; and if any such Collation shall
happen to be made to the Dignity of an Arch-
bishop, than the same to be signified in form a-
foresaid, to one Archbishop and two such Bishops,
or else to four such Bishops in this Realm, as
shall be assigned as aforesaid.

And when any such Collation is made as afore- 6
said, then every Archbishop and Bishop to whom
the same shall be signified, shall with all speed
invest and consecrate the Person so conferred, to
the Office and Dignity he shall be conferred un-
to; and give him his Pall and all other Benedic-
tions, Ceremonies and things requisite for the
same, without procuring any Bulls or other
things, by or from any foreign Power.

Every Person thus conferred, &c. to the Dig- 7
nity or Office of Archbishop or Bishop within
this Realm, and suing their Temporalities out
of the Hands of the Queen, Her Heirs and
Successors, as hath been accustomed, and ma-
king such Oath and Fealty only to Her, Her
Heirs and Successors (and to none other) as shall
be limited and appointed for that purpose, shall
be *Thronized* or *Installed* (as the Case shall re-
quire) and shall have and take their only Resti-
tution out of the Queen's Hand, Her Heirs and
Successors, of all the Possessions Spiritual and
Temporal, belonging to the Archbishoprick or
Bishoprick, whereunto they shall be conferred,
and shall be obeyed in all things according to the
Title and Dignity that they shall be conferrd un-

ro, and execute every thing touching the same, as any Archbishop or Bishop of this Realm (without offending the Prerogatives Royal of this Crown, and the Laws and Customs of this Realm) might at any time heretofore do.

8 If any Archbishop, or Bishop within this Realm, (after such Collation signified to them, in manner aforesaid) shall refuse to invest and consecrate as aforesaid, within 20 days next after the Queen's Letters Patents of such Collation, shall come to their Hands; or if they or any other Person or Persons admit, maintain, allow, obey, do, or execute any *Censures*, *Process* or *Act*, of what Name or Nature soever, to the Hindrance of the due Execution of this Act; all Persons so offending, and their Aiders, Counsellors and Abettors, shall incur the Penalties of the Statutes of *Provisors* and *Præmunire*, made in *England*, in the 25. E. 3. & 16. R. 2.

11 Geo. 2. c. 15. pars. From the 1st of May, 1738. every Archbishop, or Bishop translated from one See or Diocese to another, unto whom any chief Rent or other Rent is due and not paid at the Time of his Translation, and in case of his Decease, his Executors or Administrators may have an Action of Debt for the same, against the Tenants who ought to have paid to the Time of his Translation, or against their Executors or Administrators; and they, their Executors and Administrators, may distrain for the same, the Lands, &c. charged therewith, and liable to their Distress at the Time of such Translation, so long as the said Lands, &c. continue in the Possession of the Tenants who ought to have paid the same, or in the Possession of any other Persons claiming the said Lands, &c. only by, from, or under the same Tenants, by Purchase, Gift, Discent, or Assignment, and they may lawfully avow upon such Distress.

Provided

Bishops.

Provided that such Action of Debt be commenced, or such Distress taken, within two Years after such Translation.

Churches.

1 Ann. Sess. 1. c. 31. En. Where Rectories impropriate with the Tythes, Obligations, Oventions, Glebes, Advowson of Vicarages, and the Appurtenances, directed to be conveyed by the Trustees in 11. and 12. Gul. c. 2. to such Persons and their Heirs, as the Bishop of the Diocess shall nominate in Trust, for the Rebuilding, or Repairing Parish Churches, and for the perpetual Augmentation of small Rectories or Vicarages, by said Stat. 11. and 12. Gul. are liable to Incumbrances, joynly with other Hereditaments vested in said Trustees, the other Estates shall in the first place be liable to, and be sold, or part thereof sold, to answer such Incumbrances, and the rest conveyed in Trust, as aforesaid, free from such Incumbrances.

Church Yards.

Ne rectores prosternant arbores in cæmeterio, 1
35. Ed. 1. En. (2) Parsons of Churches shall not cut down Trees growing in the Church-Yards, unless for the necessary Repair of the Chancel,

(2) This is not a Statute but a writing declaratory of the Common Law and my Lord Coke calls it a Treatise 11. Co. 49. b. and in *Keebles* Statutes it is called a writing and the reason of this Prohibition is mentioned in the Declaration to be, because Trees are often planted in the Church-yard, to defend the force of the wind from hurting the Church.

Chancel, or (a) (in Charity) of the Body of the Church.

Confirmation.

10 **Car. 1. Sess. 3. c. 5.** All Gifts and Grants of any Lands, Tenements, Tythes, Pensions, Portions, or Hereditaments, either found by the great Office taken in the Year, 1609, to have belonged to any *Herenaghes* and *Corbes*, and were by any other Title devolved and come to the *Imperial* Crown of this Realm, and are by Letters Patents given or granted to the Archbishop of *Ardmagh*, or Bishops of *Derry*, *Clogher*, *Raphoe* and *Kilmore*, and to their Successors respectively, shall be from henceforth for ever good and effectual in the Law as well against the said *Herenaghes* and *Corbes*, and their pretended Heirs and Successors, as against the King, his Heirs and Successors.

2 The Right of others (other than the King his Heirs and Successors, and the said *Herenaghes* and *Corbes*, and their Heirs and Successor, and the said Archbishop and Bishops and their Successors respectively) is saved by this Act.

Contra

(a) In this Declaration it is said, that when the Body of the Church wants necessary Repairs, the Parson of their Charity shall do well to relieve the Parishioners, which bestowing the Trees upon them, hereby it appears that the Repairs of the Chancel belong to the Parson, and the Repairs of the Body of the Church to the Parishioners and agreeable thereto are divers Authorities in Law, 5. Co. 67. *Noy's Rep. Gillson* and *Wright Gedolpb. Ab. tit. Churches and Church-yards*, 2. *Inst.* 489.

Contra formam Collations.

West. 2 c. 41. 13. *Ed.* 1. *En.* If Lands given to Abbies, Priories, Hospitals, or other Religious Houses, or to maintain a Chauntry, a Light or Alms, be alienated, the King shall seize it, and the Purchaser shall lose both the Land and his Money.

If the House were founded by a Subject, he shall recover the Land by a Writ; which see the Statutes at large. — If it were given to maintain a Chauntry, a Light, or Alms and not alienated, but the Duty withdrawn two Years together, the Donor or his Heir, shall recover it by *Cessavit*.

Convocation.

8 *Hen.* 6. c. 1. *En.* The Clergy called to the Convocation by the King's Writ, together with their Servants and Families, shall fully use and enjoy such Liberty or Defence in coming, tarrying and returning, as the Great Men and Commonality of the Realm, called to Parliament, do or ought to enjoy.

Costs.

If any bring any Action of Waste, or if Debt upon the Statute for not setting forth of Tythes; in which Action the single Value or Damage found by the Jury, shall not exceed three Pounds, the Plaintiff therein recovering either by Judgment upon *Verdict* or *Demurrer*, shall have Costs at the like discretion of the Justices, and so where any shall sue forth a *Scire facias*, or commence any Suit in a Prohibition, and recover and have Judgment by Verdict, or upon *Demurrer* as aforesaid, he shall have Costs at the discretion of the Justices aforesaid; and if in any of the said Suits, the Plaintiff become Non-sute
discontinue

discontinue the Action, or a Verdict pass against him; the Defendant in such cases shall have Costs of Sute, and may sue forth such Execution for their Costs, as above shewed.

- 2 Provided, that no Alteration of the same shall be made in any of the Cases aforesaid, where any Executor or Administrator shall be Defendant in any the Sutes aforesaid, so at any time hereafter to be brought against them; but that in all such Cases, they shall not be liable to pay Costs of Sute, otherwise than as the Law now requires. 9 Gul. 3. Sess. 1. cap. 35.

Counties.

- 3 and 4. p. and m. c. 2. By a proviso in this Act (which is an Act for settling the bounds of the King's County and Queen's County) it shall not extend to the Archbishop of Dublin, the Bishop of Kildare, the Bishop of Leighlin, or any other Ecclesiastical Persons and their Successors, to bar them of any Right which they or their Predecessors have had or enjoyed within the said County of Leix and Offaily; but that they and their Successors shall enjoy the same in as large and ample manner, as they and their Predecessors have done at any time before the making of this Act.

- 2 II Cl. Sess. 3. c. 9. A Proviso in this Act (which is an Act empowering Commissioners to settle what Shires certain Lands belong to) that it shall not be hurtful to the Archbishops of Ardmagh or Dublin or their Successors, or to any other Lords Spiritual or Temporal, Bodies Politick or Corporate, their Heirs and Successors, for any Franchises or Liberties granted unto them by Letters Patents, from the Queen or any of her Progenitors or Predecessors, but they shall enjoy the same according to the Tenors of their Grants.

D

County

County and Turn.

Marlb. 10. 25. *Hen.* 3. *En.* Archbishops, Bishops, Abbots, Priors, Earls, Barons, or Religious Men or Women, are not to appear at the Sheriffs Turns, except for some, (b) Cause, and such as have hundreds of their own shall not be found to appear at such Turns, but only in the *Balliwicks* where they dwell.

Court of Wards, &c.

14 and 15. *Car.* 2. *Sess.* 4. c. 19. There is a Proviso in this Act (which was made for abolishing several old Tenures that it shall not extend to the taking away any Tenures in *Frankalmoin*.

Darrein Presentment. (c)

Magna Charta, 9. *Hen.* 3. c. 13. *En.* Affizes of Darrein Presentment shall be taken before the Justices of the Bench, and there shall be determined.

Days in Bank.

Marlb. 52. *Hen.* 3. c. 12. *En.* ——— In Affizes of Darrein Presentment and a Plea of *Quare Impedit*, Days shall be given from 15. to 15, or from 3 Weeks to 3 Weeks, according to the distance of the Place. ——— In a *Quare Impedit*, if the Disturber come not in upon Summons, nor cast an *Essoin*, he shall be attached at another Day, when if he come not, nor cast an *Essoin*, the

(b) The special Cause (saith my Lord Coke) is, to be a Witness or the like. 2. *Inst.* 121.

(c) The reason of making this Act was for Expedition, for fear of a Lapse by the *Stat. West.* 2. Justices of *Nisi prius*, may give Judgment in an Affize of Darrein Presentment, and *Quare Impedit*, 2. *Inst.* 27.

the great distress shall issue against him ; when if he come not, a Writ shall be sent to the Bishop, that the Disturber claim not for that time to the Prejudice of the Plaintiff, saving 3 unto him his Right at another time.——The same Law shall be observed for Attachment as for Distresses, so that the second Attachment shall be made by better Pledges, and after the last Distress.

Discontinuance of Process.

1 10 Car. 1. Sess. 2. cap. 14. *A Juris Utrum*, shall not be discontinued by reason of Death, new Commission, Affotiation, or the not coming of the Justices of Assize, or any of them.

Distresses.

1 Artic. Cleri. 9. 9. Ed. 2. En. Distress shall not be taken in the ancient Fees of the Church.

Dublin.

1 4 Geo. 1. cap. 11. No Person shall lay, or cause, or suffered to be laid, any Coal-ashes, Rubbish, or other Filth or Annoyance, in any open Street, Lane, or Alley, or other publick Place within the said City or Liberties ; and if any Person shall be convicted of any the Offences aforesaid, before the Lord Mayor of the said City, or any Justice of Peace of the City or County where the Offence is committed, or the Seneschals within their Liberties, upon the Oath of one or more Witnesses, such Offender shall for every such Offence, forfeit 5 s.

Every Inhabitant in any Street, Lane, or Alley, within the City of *Dublin* or Liberties, shall

shall before Nine in the Morning, on the several Days whereon the Scavenger or other Person deputed by the Lord Mayor and Seneschals within the said City and Liberties respectively to carry away the Dirt and Filth, sweep and cleanse before their Buildings and Walls, and the Walls of Churches and Church-yards, or other publick Buildings, that the Dirt and Soil of the Street may be ready for the Scavenger to carry away upon pain to forfeit 1 s. for every Neglect, the said offence to be heard and determined before the Lord Mayor or a Justice of Peace of the said City or County, or the Seneschals within their Liberties, on the Oath of one or more Witnesses. The Scavengers of the said City and Liberties, shall two Days in every Week, to be appointed by the Lord Mayor Seneschals of the said Liberties respectively, carry away the Dirt and Soil out of every Street and Lane of the said City and Liberties, upon the Forfeiture of 5 s. for every Default, to be deducted out of the Wages of such Scavenger.

The Minister, Church-Wardens, and Parish-4 oners of the several Parishes within the said City and Liberties of *Dublin* in their Vestries, yearly, on the first Day of *January*, shall appoint one or more Persons in each Parish to take care of the publick Pavements before the Church and Church-yard of such Parish, who, as there shall be Occasion, at the Charge of the Parish, shall cause the Pavements to be new paved, raised, levelled, or mended, and kept clean, as the Inhabitants are obliged to do, and shall cause to be carried away, all Rubbish or Filth, layed before the said Church or Church-yard, which Person so appointed, shall be liable to the like Penalties, for every the before mentioned Offences, done or suffered before any Church or Church-yard; all the said Penalties to be levied by Distress

strefs and Sale of the Offenders Goods, by Warrant from the Lord Mayor, Justice of Peace, or Seneschals as aforesaid, one Moiety to the Informer, the other to the Poor of the Parish, and in case of Inability to pay, to be sent to the House of Correction for any time not exceeding 5 24 Hours. — Provided nothing herein shall extend to such Person, who, in repairing or building any House, shall throw out any Dirt or Rubbish, so as the same be carried away in 48 Hours.

6 Persons selling, bringing, or offering to sell, any CarLoad of Hay in the said City or Liberties under 400 Weight, or using any Deceit to make it of that Weight, shall forfeit such Load and 2 s. 6 d. one Moiety to be paid to the Church-Wardens or Overseers of the Poor of the Parish for the Use of the Poor thereof.

7 10 Geo. 1. c. 3. *pars.* From the 25th. of March, 1724. at all Meetings for applotting Parish-cesses and publick Taxes within the City of Dublin, Suburbs and Liberties adjoyning, the Church-Wardens and Parishioners of each Parish, being at least 13 in Number, or the greater part of them so assembled, shall make their Applotments for the same upon each Inhabitant, according to the Value of the House, as the same is valued to pay Ministers Money; and where there is no Valuation, or until a Valuation be had, such Inhabitant shall pay, according to the Rent payable by the Tenant in Possession; and if such Rent is only a Ground-Rent, then according to the Rent, the said House might reasonably be set for to a solvent Tenant, such Rent to be ascertained by four of the Parishioners named by the Church-Wardens, which Money so applotted, from and after the time aforesaid, shall be a Charge on the Inhabitant of such House, and be levied and accounted for, by the Officer that usually collects and receives the same, in such

Manner and with such Powers as the said Taxes have heretofore been levied and accounted for--- 8
 Provided, if any of the Houses within the said City, Suburbs and Liberties, which have been heretofore valued, pursuant to the *Stat. 17. and 18. Car. 2. Sess. 5. c. 7.* shall really without Fine or other Consideration (save the Rent reserved) be set at a less Rent than such House is valued at, such House shall be only chargeable according to the Rent payable by the Tenant in Possession.— Such Tenant in Possession, 9
 claiming the Benefit of such allowance, shall before the same be so allowed, make Affidavit before the Lord Mayor or other Justice of Peace within the City, and within the Liberties, before the Seneschal, of the Rent he really pays, and whether any Fine or other Consideration, was paid or given upon obtaining such Lease.— 10
 Provided nothing herein contained, shall extend to exempt any Lands or Tenements within the said Parishes, from Payment of such Proportion of Cesses or Publick Taxes as they are liable to.

*This Act shall be in Force for seven Years, 11
 from the first of March, 1723, and to the end of the next Session.*

By 3 *Geo. 2. c. 5.* So much of this Act as 12
 relates to the City of Dublin, and Liberties thereof, is continued to the 25th of March, 1737, and to the End of the next Session. By 11. *Geo. 2. cap. 13.* continued to 29. Sept. 1744, and the next Session. 13

Church-wardens and Directors of the Watch to perambulate the Streets 4 times a Year.

3. *Geo. 2d. cap. 13.* The Church-wardens of each Parish, with any two or more of the Directors of the Watch in each Parish within the City of Dublin, Suburbs, and Liberties of *St. Sepulchres, Thomas-Court, and Donore,* shall perambulate all the Streets and Lanes within their several Parishes, four times at least in the Year, (*viz.*) the first Week in *May*, the first Week in *September*, the first Week in *November*, and the first Week in *February*,

February, and examine whether there be any defects in the Pavements, or neglect in cleansing the said Streets, &c. or in carrying away the Dirt according to the 4 Geo. 1. c. 11. and 6 Geo. 1. c. 15. and make a particular Return thereof, within six Days after each perambulation to the Lord-Mayor and Seneschals of the Liberties respectively, which Returns shall be filed in the Tholsel-Office, and with the said Seneschals respectively, and entered in the Vestry-books of each Parish, that all Persons requiring the same, may resort thereto, and take Copies thereof, without Fee or Reward.

- 14 If the said Lord-Mayor and Seneschals, or Lord Mayor and Seneschals any of them, shall neglect for six Days after the time hereby appointed for delivering in of such ^{neglecting, a Complaint} Return, to see the said Returns complied with, ^{may be made, and by whom.} the Minister and Church-wardens, or any of them, or any other Person, may prefer a Petition in nature of a Complaint to any one of the Judges of the *King's-Bench*, setting forth the Return so made, and the particular Neglects of the Persons entrusted with the Execution of the said Acts; and the Persons complained of being first served with a Copy of the said Petition, and with a Summons signed by the Judge, appointing the time and place of Appearance, which the said Judge is to issue without Fee or Reward, shall within 24 Hours after such Service appear before the said Judge and answer the said Charge, and the said Judge upon Affidavit made of such Service, as well in the Absence as in the Presence of the Person complained of, shall examine in to the said Complaint, and finally hear and determine the same, by the Oath of one or more Witnesses, in a summary way; And if the Person complained of, shall before the said Judge, appear to be guilty of any Neglect in the said Petition mentioned, he shall forfeit for every such Neglect, any Sum

not exceeding 5 *l.* nor less than 20 *s.* at the discretion of the Judge, to the Person so complaining, to be levied by Distress and Sale of the Offenders Goods, by Warrant from the said Judge, rendring the Overplus.

Scavenger neglecting his Duty, others may be employed.

If the Scavenger or other Person employ'd to sweep the said Streets, &c. and carry away the Dirt thereof, shall neglect to do the same as is directed by the said Acts, the Church-wardens and Overseers of the Watch, in their respective Parishes, or any of them, or any other Person may cause the same to be done, and 5 *s.* shall be paid out of the Treasury of the City, to the Person who shall do, or cause the same to be done, for each Cart-Load of Dirt that shall be so carried out of any of the Streets, &c. of the said City, by the Treasurer or other Officer who shall be intrusted with the Receipt and Payment of the Money belonging to the said City, to the Person to whom it is to be paid, demanding the same, and make it appear by one or more Affidavits, how many Cart-Loads were so carried out, and 5 *s.* for every Cart-Load which shall be carried out of any of the Streets, &c. in the Liberties of *St. Sepulchre's*, *Thomas-Court* or *Donore* respectively, by the respective Seneschals of the said Liberties, or other Officer intrusted with the said Receipt and Payment of the Money raised in the said Liberties for cleansing the said Streets; and if such Treasurer, Seneschal, &c. shall neglect or refuse to pay the same, then, upon complaint to any one of the Judges of the *King's-Bench*, the said Judge may issue a Summons, and upon Service thereof, proceed in a summary way upon the said Complaint, by examining Witnesses to the truth of the Facts therein alledged; and if it appears to the said Judge that the Sum demanded ought to be paid according to the meaning of this Act, he shall issue his Warrant to levy the same, with such Costs

Treasurer or Seneschal neglecting to pay them, it may be levied by a Judge's Warrant.

as he shall think fit, by Distress and Sale of the Goods of such a Treasurer, &c. returning the Overplus; and the said Treasurer, &c. may retain the Sum levied (except the Costs) out of the Scavengers Wages.

- 6 Every Person returned at a Vestry to the said Lord Mayor to serve as Constable, shall be sworn into the said Office, unless disapproved for a reasonable Cause to be made appear by one or more Affidavits, and unless such Disapprobation, with the Reasons thereof, be certified under the Hands of the Lord Mayor and Recorder, and returned to the Minister of the Parish within eight Days after such Constable shall be so returned to the Lord Mayor, and filed with the Clerk of the Vestry, which Certificate shall be granted and filed without Fee or Reward; and if the Parishioners in Vestry shall think themselves aggrieved by such Disapprobation, the Church-wardens, by an order of Vestry, may lay the same before any one of the Judges of the *King's-Bench*, who upon hearing the Matter, may under Hand and Seal approve or disapprove of the Person so chosen and presented, and if such Judge shall disapprove of such Person, the Parishioners shall proceed to a new Election.-----
- 7 Every Constable so chosen, desiring to act by Deputy, shall return the Name of such Deputy to the Parish in Vestry assembled, who may approve or disapprove the same, and if he be disapproved, the Vestry shall appoint a Deputy Constable at their Discretion.

Constables returned and disapproved, how others may be chosen.

Constable, how to return a Deputy.

Dures.

- 1 Rich. 2. c. 13. En. All Obligations forced by *Dures* upon Ecclesiastical Judges, and others, whereby they are restrained from suing for

Dures.

for Tythes and other Duties in the Ecclesiastical Court, be void.

Such as falsly procures such Judges or others² to be indicted, shall incur such Punishment as, by *West. 2. c. 12.* is ordained for false Appeals.

Ecclesiastical Courts.

6 *Geo. 1. c. 6. pars.* From the first of October 1719. No Citation, *exmero officio*, shall be issued out of any Ecclesiastical Court, on Account of any Crime, or Immorality punishable by the Ecclesiastical Law, except such Crime or Immorality shall, in manner hereafter mentioned, appear to have been committed within two Years next before issuing such Citation.

Every voluntary Promoter of Office applying to any Ecclesiastical Judge for the issuing a Citation on Account of any Crime or Immorality aforesaid, or some Witness voluntarily offering himself to be produced by the Promoter, and to be examined, shall before obtaining such Citation, be personally examined on Oath, by such Ecclesiastical Judge, concerning the Grounds of issuing such Citation; and all Ecclesiastical Judges shall cause the Examination of such Promoter, or Witness, to be reduced into Writing, and subscribed by such Examinant, and attest the same, and then lodge such Examination in the Registry of the Court whereof he is Judge; and if it shall not appear by such Examination, that the Crime or Immorality has been committed within 2 Years as aforesaid, no Citation shall issue; and after Publication decreed, the Judge shall cause the Examination to be annexed to the Depositions taken in the Cause depending on such Citation; and if, upon hear-
ing

ing the Cause, it shall appear, that such voluntary Promoter has failed in proving what in the Examination was alledged, such Promoter shall be condemned in double Costs.

- 3 All Persons, by Law, required or enabled to make any Presentments to any Ecclesiastical Judge, shall, before such Presentment be received, and Citation granted, upon Oath, be examined, or produce some Witness to be examined, as aforesaid, as in Case of a voluntary Promoter; which Examination the Judge shall cause to be reduced into Writing, and attest, and lodge in the Registry, and annex the same to the Depositions as aforesaid: And if it shall not appear by the Examination, that there is good Ground for such Presentment; or that the Crime or Immorality in such Presentment, was
- 4 committed within 2 Years next before the making thereof; no Citation shall issue thereon: And if, upon hearing the Cause upon such Presentment instituted, the Allegations in such Examination shall not be sufficiently proved; or if the Person presented shall otherwise purge himself according to Law, from such Charge; such Person shall be forthwith dismissed, without any Fees.
- 5 All Citations by any Ecclesiastical Judge, issued at the Instance of such voluntary Promoter, or upon Presentment, without such Examination as aforesaid, shall be of none Effect; and all Proceedings thereupon, declared null and void.
- 6 ---In all Causes hereafter commenced in any Ecclesiastical Court, on account of Defamation, cognizable in the Ecclesiastical Court, the Ecclesiastical Judge, at the Motion of either Party, may proceed in a summary Way; and such Proceeding shall be deemed as valid, as if the
- 7 same had been in the ordinary and plenary Way.--
Provided nothing herein shall extend to hinder any

Ecclesiastical Courts.

any Ordinary from proceeding against any Ecclesiastical Persons, subject to his Visitation, within their Jurisdiction, for any Fault cognizable in the Ecclesiastical Court, at Visitation or otherwise.

Election.

Artic. Cleri. c. 14. 9. Ed. 2. En. There shall be free Election for the Dignities of the Church.

Essoign.

Marlb. 13. 52. Hen. 3. En. After Issue joined in *Darrein Presentment*, or *Quare Impedit*, one *Essoign* or one Default only shall be allowed; and if the Party come not at the Day given, or make Default the second Day, the Inquest shall be taken, and Judgment given. — If the Inquest be taken in the County before the Sheriff or Coroners, it shall be returned before the Justices at a certain Day; when if the Party appear not, another Day shall be assigned by the Justices, and then shall issue a Command to the Sheriff to cause the Party to come to hear the Judgment; when if he come not, the Justices shall proceed to Judgment. In like manner, it shall be done if he come not at the Day given by the *Essoign*.

Essoign lieth not where the Party hath been re-summoned in Assize of *Darrein Presentment*.

Stat. De visu Terra. En. An Essoign De Servitio Regis, lieth not in a Writ of *Darrein Presentment*, *Vid. Rast. Essoign, 13.*

1 *Sententia Lata super Charta*, 38. Hen. 3.

En. Rast. Excom. 1 In the Year 1254, by the consent, and in the presence of the King, the Lords and other Estates of the Realm, *Boniface*, Archbishop of *Canterbury*, and all the other Bishops then present, being apparelled in Pontificals, with Tapers burning, do, in *Westminster-Hall* solemnly denounce a heavy Curse and Excommunication against all such as shall violate or break the Liberties of the Church, or Customs and Liberties of the Realm, and especially contained in *Magna Charta*, and *Charta de Foresta*.

2 *Arti. Cleri.* 7. 9 *Ed.* 2. *En.* (d) The King's Letters that Ordinaries shall absolve excommunicate

(d) This saith my Lord *Coke*, was a mistake in the Article of the Clergy, for never was any Writ of the King, here called *Litera Regis*, granted in case of Excommunication, but in certain Cases, as, when a Man is justly Excommunicated, and taken upon an *Excommun. cap.* if the Bishop, upon the Writ *de cautione* admitted, &c. do not deliver him, then shall a Writ issue out of Chancery to the Sheriff, upon the Refusal of the Bishop, to deliver him, or if the Excommunication be unjust, as if the Ecclesiastical Court hath no legal Conusance of the Matter for which the Party is excommunicated, and he is taken upon the King's Writ, he shall have a Writ out of Chancery, to the Sheriff to deliver him out of Prison, in which Cases the King's Liberty was prejudiced, and the Bishops Contempt in those Cases is the greater, for that *brevie Regis de Excommun. cap. de gratia Regis procedit*.

So it is if a Man be excommunicated and offer to obey the Sentence, and the Bishop refuses to accept it, and to assail him, he shall have a Writ to the Bishop, requiring him, upon Performance of the Sentence to assail him, &c. and the reason is because the Party, by the excommunication, is disabled to sue any Action, or to have any Remedy for any Wrong done unto him, whilst he remains Excommunicated: and the Party grieved may have his Action upon the Case against the Bishop, as he may, when the Bishop excommunicates him for a Matter which doth not belong to Ecclesiastical

Excommunication.

nicate Person, shall not issue forth any more, unless it be found that the King's Liberty is prejudiced by such Excommunication.

Articuli Cleri, 12. 9. **Ed.** 2. The Writ of *Excommunicato capiendo*, shall not be denied for the Privilege of being of the King's Tenure, and that the Party ought not to be cited out of his Parish.

9. **Ed.** 3. *En.* Writs are ordained for the Bishops, to excommunicate all *Perturbers* of the Peace of the Church and King, Felons, Maintainers, and Conspirators of Felonies, false Jurors, and Maintainers of false Quarrels, every Sunday and double Feast, &c. in all Cathedral and other Churches; and to proceed against them according to the *Canon-Law*. *Vide Rast. abridgm.*

Excommunicato Capiendo.

5. **El.** c. 23. *En.* In Writs of *Excommunicato capiendo*, the Defendant shall have a sufficient Addition, according to 1. **Hen.** 5. in Cases of certain Suits, whereupon Process of *Exigent* are to be awarded.

Execution.

West. 2. 45. 13 **Ed.** 1. *En.* For all Things recorded before the King's Justices or contained in Fines (whether Contracts, Covenants, Obligations, Services for Customs acknowledged, or any other Thing enrolled) a Writ of Execution shall be within the Year, but after the Year, a *Scire Facias*, whereupon if Satisfaction be not made,

Ecclesiastical Conusance, also the Bishop in those Cases may be indicted at the Suit of the King, as appears by many notable Records, 2. *Inst.* 623.

made, or good Cause shewed, the Sheriff shall be commanded to do Execution.

2 In like Manner also, shall the (e) Ordinary be commanded in his Case.

Execution of Statutes.

1 3 Hen. 7. 1. En. The Lord Chancellor, Treasurer or Privy Seal, or any 2 of them, calling to them a Bishop, a Lord of the Council, and the 2 Chief Justices (or 2 other Justices in their Absence) upon Bill of Information, put to the Chancellor for the King or any other, for maintenance Retainers, Embraceries, untrue demeanings of Sheriff, taking of Money by Juries, great Riots, or unlawful Assemblies, have authority to call before them by Writ, or by Privy Seal, the said Misdoers, and them and others to examine; and to punish them according to the Statutes in that behalf made, in like manner as if they were commit by due order of Law: And by 21 H. 8. 1. 20. En. The President of the King's Council, shall be associate with the Lord Chancellor, &c. for the Examination and Punishment of the Misdoers aforesaid, according to the Statute of 3. Hen. 7. c. 1. En. And other Statutes thereof made.

Fairs

(e) This branch, saith my Lord Coke, is to be thus intended, that if a *Scire Facias* be brought upon a Recognizance, or upon a Judgment in a Writ of Annuity, and the Sheriff return that the Defendant is *Clericus* and *beneficiatus nullum habens laicum feodum*, &c. the Plaintiff shall have a Writ to the Bishop of the same Diocess to warn the Defendant, and upon warning, or two *nibils* returned, and Default made, or if he appears, and shews no Matter wherefore Execution should not be granted, then a Writ shall be awarded to the Bishop to levy Execution *De bonis Ecclesiasticis*, 2 Inst.

The Statute of *Winchester*, c. 6. 13. *Ed.* 1. 1
En. Fairs and Markets, shall not be kept in
 Church-Yards.

Fees.

21 *H.* 8. c. 5. 28 *Hen.* 8. c. 18. Nothing shall be taken
En. 3. *Inst.* by any Archbishop, Bishop, Ordinary, &c. or
 149, 150. *C.* any other Person whatsoever, having power to
 69. & 4 *Inst.* take the Probate of Testaments, or to grant
 336. 13 *Rep.* Commissions of Administration of Intestates
 24, 25, 26. Goods, nor by any of their Ministers, Farmers,
Palmer 318. or Servants, for any Costs or other causes con-
 cerning the same where the Goods of the decea-
 sed do not exceed the clear Value of 3 *l.* 6 *s.*
 8 *d.* *Irish* Money, save to the Scribe or Notary
 for writing the Probate of the Testament, 12 *d.*
Irish, for writing the Commission of Admini-
 stration, 12 *d.* *Irish*; and the Ordinary, his
 Commissary or Official, or other Minister (ha-
 ving the Custody of the Seal) for the Wax Seal-
 ing and Delivery, 8 *d.* *Irish*. Nevertheless the
 Archbishop, &c. or other Person having Power
 to take Probates, &c. shall not refuse to prove
 such a Testament, or grant such Commission,
 being lawfully desired, and the same exhibited
 to him, or them in Writing, ready to be sealed
 and proved, before the sealing in the Form com-
 monly accustomed.

When the Goods amount to above the clear
 Value of 3 *l.* 6 *s.* 8 *d.* and do not exceed 10 *l.*
Irish, then for the Probate of any Testament in
 such Case, for granting Commissions of Admini-
 stration, or for writing, registering, sealing,
 praising, making Inventories, &c. or for any
 Costs or Charges, or other Cause concerning the
 same, there shall be only paid 3 *s.* 4 *d.* *Irish*,
 and not above, whereof the Ordinary shall
 have

have for him and his Ministers, 2 s. and the Scribe, Notary or Register, 16 d. for writing and registering the same; and when the Goods amount to above 10 l. and exceed not 20 l. then the said Officers shall only take 6 s. 8 d. viz. 5 s. for the Ordinary and his Ministers, and the Register 20 d. and if the Value be 20 l. and exceed not 40 l. then the said Officers not to take above 10 s. whereof the Ordinary, &c. shall have 8 s. and the Register 2 s. and when the Goods amount to above 40 l. and exceed not 100 l. then shall be only paid 16 s. 8 d. and not above, of which the Ordinary, &c. shall have 14 s. and the Register 2 s. 8 d. and when the Value amounts to 100 l. clear and above to what Sum soever, then they only shall take 20 s. and not above, whereof the Ordinary, &c. shall have 16 s. 8 d. and the Register, 3 s. 4 d. and not above; and for these Fees they shall dispatch the Party without Frustratory Delay.

3 The Archbishop, &c. or others having Authority to take Probate of Testaments as aforesaid, upon the Delivery of the Seal and Sign of the Testator, shall cause the same to be defaced, and thereupon immediately to re-deliver the said Seal to the said Executor or Administrator, without any claim thereunto to be made.

4 If any require Copies, either of Testaments or Inventories, the said Ordinary or other person, &c. shall without any Delay, cause true Copies to be delivered to the Parties requesting, taking for the Search, and for the making and writing of every the said Testaments or Inventories, but only such Fee as is before mentioned for the writing and registering the same.

5 This Act shall not alter the Custom, where less Sums of Money than abovesaid, have been taken for the Probate of Testaments, or granting Administrations, &c. but that they shall

E

take

take such Sums, as they used to take before the making of this Act.

Co. pla. 166.

The Officer that offends against this Act, shall forfeit for every time so much Money as he takes contrary to the Act, and also 10 *l. Irish*, one Moiety to the King, and the other to the party grieved, to be recovered in any of the King's Courts by Action of Debt, &c. wherein no Effoin, &c. shall be allowed : But such Officer or other Person incurring such Penalty, to be charged only for himself, and not for others Offences.

This Act is not to prejudice any Ordinary or others, who have Authority to take Probate of Testaments, but that they may convene the Executors before them, to prove or refuse the Testament of their Testators, and bring Inventories, so that they take not above the Fees limited by this Act, nor attempt any thing contrary to any Part thereof.

A List of Fees Presental by the Lord Archbishop of Dublin his Grace, and by the Judges and Officers of his Consistory Court of Dublin, considered of by his Majesty's Commissioners, for Reformation of Fees the third Day of June, One Thousand Six Hundred Sixty and two. And to be further approved of, by the Right Honourable the Lord Deputy as shall be thought fit, and in the Interim, the same Fees to be taken by the Archbishops and Bishops of this Kingdom respectively.

Fees in the Consistory Court.

Fees due in Causes of Office.

	Judge			Register		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
I <i>mp</i> rimis, For Articles in a Visitation. - -	0	00	00	00	00	4
For entering every Bill of Presentments. }	0	00	0	00	00	4
For every original Citation, &c. <i>Officio</i> }	0	00	40	1	6	
<i>Mero</i> or at the instance of a Party. }	0	00	00	0	6	
For the Appearance of every Person cited to appear of Office, or at the Instance of a Party. }	0	00	00	0	6	
For every Contumacy entered against a Man	0	00	00	0	6	
For drawing and writing a Sentence of ex-communication against a Man. }	0	00	00	3	4	
For a Denunciation against any Man Ex-communicated. }	0	00	4	2	6	
For every <i>Significavit pro Corpore Capiendo</i> , for one or more Persons one Fee for each <i>Sgnificavit</i> . }	0	10	00	3	4	
For every <i>Mandat pro Corpore Deliberando</i> -	0	10	00	3	4	

	Judge			Register		
	l. s. d.			l. s. d.		
For entering into the Act Book, the absolving of every Man Excommunicated	}	0	00	00	1	0
For the Copy of the Act - - - - -		0	00	00	1	0
For a Testimonial under the Judges Seal and the Registers Hand of the absolving of every Man Excommunicated, if the Party desire it	}	0	10	00	3	4
For drawing of Articles against any Man detected or presented for Fornication, or other Crimes to the Register or Proctor that does the Work.		0	0	00	3	4
For exhibiting the same - - - - -		0	00	60	1	0
For the Production of every Compurgator		0	00	70	00	6
For the Party himself Compurgant - -		0	1	60	1	0
For Proclamation, Intimation, and Publication of Purgation	}	0	3	40	3	4
For a Testimonial under Seal, where a Purgation is desired by the Party		0	10	00	3	4
For a Definitive Sentence against any Adulterer, Fornicator, Incestuous Person and other Offenders Convicted	}	1	00	00	6	8
For every interlocutory Sentence - - -		0	10	00	3	4
For every Order or form of Penance enjoined or perscribed to Offenders	}	0	00	00	3	4
For the Return and entering of a Certificate, of performing Penance enjoined to an Offender		0	00	00	3	4
For every Testimonial under Seal of any Man of performing Penance, if desired by the Party	}	0	10	00	6	8

Fees due in Causes of Instance, and for Decrees of Court.

FOR the Constitution of a Proctor entered *Apud Acta* } 0 00 00 1 6

For

	Judge			Register		
	l. s. d.			l. s. d.		
For Exhibiting of a Proxy or Substitution of a Proctor	0	00	00	0	1	6
For every Citation at the instance of a Party, with an Inhibition or Intimation	0	3	4	0	3	4
For entering every Act in <i>Loco Solito Judicij</i>	0	00	00	0	00	4
For entering every Act, <i>extra Locum Solitum Judicij</i>	0	00	00	0	1	6
For exhibiting every Libel, Allegation, Articles or other Matter whatsoever exhibited in our Court	0	00	00	0	1	6
For the Production of every Party principal upon Libels, Allegations, Articles or other Matters exhibited in Court.	0	1	6	0	1	0
For the taking and writing of the personal Answer of every such Party.	0	00	00	0	2	6
For the Production of every first Witness, upon the Libel, Allegation, or other Matter exhibited in court.	0	1	0	0	00	0
For the Production of every other Witness,	0	00	8	0	00	4
For the Examination and Repetition of every first Witness upon Articles, Libels, and Exceptions or any other Matter or Allegation exhibited.	0	1	00	0	1	0
For Examination and Repetition of every other Witness	0	00	9	0	00	9
For the Examination and Repetition of every Witness, upon Interrogatories exhibited by the Defendant.	0	1	00	0	1	0
For a Commission to examine Witnesses or a Party Principal.	0	10	00	0	3	4
For every Instrument or Matter that shall be annex'd to such Commission.	0	00	00	0	3	4
To the Judge and Register, if they go out of their Houses, to examine a Party principal or other,	0	10	00	0	3	4

	Judge			Register		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
For a Commission to take an Oath or Bonds in the Country or to praise Goods or to take an Account.	0	10	00	3	4	
For every Supletory Oath of a Party - - -	0	1	60	1	0	
For shewing the Records for the Comparison of Hands,	0	00	00	3	4	
For the Copy of a Relation of a Comparison	0	00	00	3	4	
For attending every Information, and shewing the Records.	0	00	00	3	4	
For Registring small exhibits 10 s. 10 d. a piece.	10	10		10	10	
For Registring Indentures or other large Exhibits after the Rate of 5 s. a Side, in Register Book close written, the same in Folio in Royal Paper, or the like proportion.						
For every decree of Court, viz. against Witnesse party principal, or for any other Decree of Court,	0	1	00	2	6	
For a Citation or a Decree <i>viis & modis</i> .	0	1	00	2	6	
For Citation or Decree to shew Cause why a Man should not be Excommunicated.	0	1	00	2	6	
For other Decrees as personal, <i>viis & modis compulsory</i> against Witnesse to see Sentence put in Execution, or any other Decree decreed by the Judge against any Person either of Office or Instance.	0	1	00	2	6	
For every Bond or Obligation. - - -	0	00	00	2	6	
For Cancelling the same - - -	0	00	00	2	6	
For the Copy of every Act. - - -	0	00	00	0	6	
For the Renunciation of an Executorship or of the Right of Administration,	0	3	40	3	4	
For every several search made in the Office	0	00	00	2	4	
For exhibiting the Writ of Prohibition at the first bringing thereof.	0	10	00	5	0	
For the Consultation exhibiting - - -	0	00	00	00	0	

For

	Judge l. s. d.	Register l. s. d.
For conceiving and drawing every Definitive Sentence to the Register or Proctor.	0 00 00	6 8
For a sentence Definitive or Interlocutory having <i>vim sententib.</i> Definitive at the Instance of a Party.	1 00 00	6 8
For every other Dismiss,	0 6 80	3 4
For the Copy of every Sentence,	0 0 00	6 8
For comparing and examining the Bill of Costs, with the Records.	0 00 00	3 4
To the Register or Proctor who makes the Bill of Costs.	0 00 00	3 4
For taxing of every Bill of Costs	0 4 00	00 0
For the Protestation of an Appeal <i>apud acta.</i>	0 00 00	1 0
For every Appeal made <i>viva voce</i> and entered <i>apud acta.</i>	0 00 00	3 4
For exhibiting every Appeal, <i>in scripto,</i>	0 00 00	3 4
For Apostles, where an Appeal is made from the Judge.	0 10 00	3 4
For exhibiting Apostles to the Metropolitan, when an Appeal is made <i>a Iudice inferiori.</i>	0 00 00	3 4
For entering of every Certificate of the prosecution of an Appeal.	0 00 00	3 4
For an Inhibition against the Judge, & quó Register and Party Appellat with a Citation against the Appellat.	0 3 40	6 8
If the Party Appellat be excommunicated, and the Inhibition contains an Absolution of the Party so Excommunicated, added to the former Fee.	0 3 40	3 4
For every Decree of Court in a Cause of Appeal <i>ad transmittend' processum Jud' a quo.</i>	0 3 40	3 4

Judge			Register		
l.	s.	d.	l.	s.	d.

For the transmitting of a Process to the superior Court, to the Judge for his Seal, 6 s. 8 d. and to the Register after the rate of the Tax, made by the Judge, *ad quem* which is commonly for every Lease, 4 d. } *ut intra*

For a Composition of processses transmitted, *a Judice inferiori ab utraq; Parte*, viz. the fourth part of the Appellant, and the third part of the Appellat. } 0 00 out intra

Fees due for Copies of Exemplifications, Certificates, Letters of Tutelage and Caveats.

FOR the Copy of the Examination of every Witness examin'd, as well upon a Libel, Allegation, or other Matter, as upon Interrogatories 10 s. 11 d. and if long, 6 d. per Sheet to be Copied ten Words in a Line, and fifteen Lines in a Sheet. } 0 00 out intra

For the Copy of every Libel, Allegation, Matter, Answer, Interrogatories, or a Commission *in partibus*, or an Administration 3 s. 5 d. and if long 6 d. per Sheet, 15 Lines to a Sheet. } 0 00 out intra

For the Copy of every Will, Proxy, Inventory, Accompt or any other Matter 6 d. per Sheet. } 0 00 out intra

For the Copy out of the Record, for an Act of Institution of any Clerk admitted. } 0 00 00 3 4

For the Exemplification of any Sentence, Will, Administration, or other proceedings of Court, } 1 00 01 00 0

For

	Judge			Register		
	l.	s.	d.	l.	s.	d.
For an Exemplification of an Act under the Seal, if it be required.	0	6	8	0	3	4
For Letters Testimonial upon Libels, Depositions of Witnesses, or other Records after the Rate of 8 s. per Skin of Parchment, after the first Skin allowed free over and above the Register Fees, as aforesaid.	ut intra			ut intra		
For the admission of every Advocate and Proctor and for registering the same,	0	00	00	1	6	
For a Certificate under the Register's Hand of the Probate of a Will, granting Letters of Administration, Sequestration or Letters of Tutel. <i>Lettres ad Colligend</i> , or any other thing done or granted remaining on Record.	0	00	00	3	4	
For a <i>Certiorari</i> or Certificate under Seal of any Record or Act, into any of her Majesties four Courts,	0	10	00	3	4	
For Letters of Tutelage of the goods and Person of a Minor	1	00	00	6	8	
Where an Administration is granted during the Minority of an Executor, or of Children, if upon Expiration or Revocation of the same; he that was the Minor, shall acknowledge Satisfaction, <i>apud Acta</i> , to the Judge 6 s. 8 d. to the Register for entering the same 3 s. 4 d.	ut intra			ut intra		
For entering every <i>Caveat</i> in a Beneficiary Cause,	0	3	4	0	3	4
For entering a <i>Caveat</i> in any other Cause -	0	1	4	0	2	0
If the Party desire a Copy of it - -	0	00	00	0	1	0

Fees due for Licenses, Suspensions, Sequestrations, Relaxations, Resignations and such other.

	Judge			Register		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
F OR every License of Marriage, - -	0	10	00	3	4	
For every other License of what Nature soever, }	0	10	00	3	4	
For every Suspension of a Minister, - -	0	10	00	3	4	
For every Sequestration, - - - -	0	10	00	3	4	
For every Relaxation - - - -	0	10	00	3	4	
For exhibiting and Registering a Minister, }	0	00	00	2	6	
Nomination of a parish Clerk, }	0	00	00	3	4	
For drawing every Qualification, - -	0	00	00	3	4	
For Letters Requisitory, - -	0	3	40	3	4	
For drawing the Resignations to an Executor Benefice to the Register, or publick }	0	00	00	3	4	
Notary that does the Work, }	0	00	00	3	4	
For the Registers or Notaries Teste here- }	0	00	00	3	4	
upon that does the Work. }	0	00	00	3	4	
For the Instrument or Prothocal thereupon	0	00	00	3	4	
For exhibiting every Resignation of a Benefice before the Judge and entering the same, }	0	3	40	3	4	
For admitting and entering every Presentation made by a Patron, to any Ecclesiastical Benefice to the Judge, 3 s. 4 d. but if not admitted, none to the Judge, but 3 s. 4 d. to the Register. }	ut intraut intra					

Fees due for Letters of Orders, Consecration of Bishops, Unions, Institutions, and such like.

	Judge			Register		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
FOR writing Letters of Orders for Deaconship,	0	00	00	10	0	0
For writing Letters of full Orders, - -	0	00	00	10	0	0
For all proceedings upon the Consecration of a Bishop, to the Vicar General, 4 <i>l.</i> to the Register 2 <i>l.</i> to the Arch-Bishop's Household Servants, 4 <i>l.</i>	<i>ut intra</i>			<i>ut intra</i>		
For all proceedings upon the Election and Confirmation of a Dean, where the Deanry is Elective.	1	00	00	1	00	00
For every Institution to a Benefice upon a Presentation, Admission upon Collation <i>Mandat ad inducend^o</i> , Subscription and all other Certificates and other Fees, thereupon to the Arch-Bishop or Bishop (if not by them otherwise granted) and to the Register.	1	10	00	1	0	00
For drawing and writing every Collation -	0	00	00	1	00	00
For an Union of two Benefices, <i>durante Vita vel uncubentia</i> , to the Arch-Bishop (if not by them otherwise granted) 1 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> and to the Register, 1 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	1	13	4	1	13	4

Fees due for Exhibits.

	Judge l. s. d.	Register l. s. d.
F OR Exhibiting Proxies in the Bishops provincial Synod, viz. for every Bishop not appearing, 6 s. 8 d. for every Dean, 6 s. 8 d. for the Chapter, 6 s. 8 d. for every Arch-deacon, 6 s. 8 d. and for the Body of the Clergy, 6 s. 8 d.	0 00 0	ut intra
For exhibiting every Proxy, of every Clergyman, not appearing in the Ordinary Visitation,	0 1 0	0 1 0
For Exhibiting the Clergy's Titles, in the Archbishop's Triennial and Ordinary Visitation; for Letters of Deacon and Priesthood, 2 s. 6 d. for every Union, 6 s. 8 d. for every Dispensation, 6 s. 8 d.	ut intra	ut intra
for every Institution and Induction to each Benefice, 2 s. 6 d. two third Parts to the Archbishop and Bishop, one third Part to the Register.		
For every Licence to serve a Cure - -	0 00 0	0 2 6
For exhibiting a Licence for parish Clerkship,	0 00 0	0 2 6

Fees due for Testaments, Administrations, and other Things incident thereto:

F OR engrossing every Will, brought to be engrossed after the Rate of 8 s. a Skin of Parchment,	0 00 0	ut intra
For exhibiting an Inventory, <i>ante vel in Diem.</i>	0 1 0	0 1 0
For exhibiting an Inventory <i>post Diem</i> , -	0 1 6	0 1 6

For

	Judge			Register		
	l.	s.	d.	l.	s.	d.
For a longer Day to exhibit an Inventory, or an Accompt in Court, 3 d. out of Court 6 d.	0	00	0	ut intra		
For drawing up an Accompt in Paper, af- ter the rate 1 s. per Sheet, Close written;	0	00	0	ut intra		
For the Engrossing every Inventory and Accompt in Parchment, brought to be engross'd, 2 s. per Press,	0	00	0	ut intra		
For the Probate of a Will, if the said Will be delivered, engrossed according the Statute Fees and no more, if other- wise, the Fees to be received as follow- eth, for the Probate of a Testament which is not brought engrossed, 1 l. Sterl. and to the Register, 6 s. 8 d. the Goods amounting to 100 l. but if the Goods amount to 40 l. or under, to the Judge 10 s. and to the Register 3 s. 4 d.				ut intra	ut intra	
For every <i>Quietus est</i> , upon an Accompt made by an Executor or Administrator.	0	10	00	3	4	

Fees due to the Apparitor.

		Apparitors Fees		
		l.	s.	d.
I <i>mp</i> rimis, For his Attendance and Service.		0	00	0
<i>Item</i> , At the Consecration of a Bishop,		0	10	0
<i>Item</i> , For every Institution, - - -		0	1	0
<i>Item</i> , For every Will and Administration, - - -		0	1	0
<i>Item</i> , For every Sentence, - - -		0	1	0
<i>Item</i> , For every <i>Quiet' est</i> , - - -		0	1	0
<i>Item</i> , For the Oath of every one sworn in Court,		0	00	4
<i>Item</i> , For serving every Citation, <i>Viis & Modis</i>		0	1	0
<i>Item</i> , For serving every Citation in Town,		0	00	6
<i>Item</i> , For serving every Citation, <i>ad dicend'</i> } <i>Causam quare Excommunicari non debet,</i> } and every other Decree of Court,		0	1	0
<i>Item</i> , For Serving every Decree or Citation, } whatsoever in the Country, 2 <i>d.</i> per Mile, } over and above the Rates abovesaid : But } with this Caution, that for Matter of In- } stance; the Apparitor to have no Fee for } <i>ut intra</i> Serving, unless at the request of the party } Plaintiff, who must pay the same without } Allowance in his Costs of the Party.				
<i>Item</i> , For every Parson, Vicar or Curate, sum- } moned to appear at the Bishops annual Vi- } <i>ut intra</i> sitation, 3 <i>d.</i> per Church.				
<i>Item</i> , For summoning the Church Wardens of } every Parish to a Visitation, 6 <i>d.</i> }		0	00	6
<i>Item</i> , For the Purgation of every Party detec- } ted for any Crime whatsoever,		0	1	0
<i>Item</i> , For every Excommunication carried } forth against contemptuous Persons within } <i>ut intra</i> the Town 4 <i>d.</i> to the Country, 2 <i>d.</i> a Mile.				

Item,

Apparitors

Fees.

l. s. d.

Item, For every Sequestration, carrying and delivering made out of the Fruits of any Benefice, in usum Domino Regin' aut prex Incumb', 2 d. a Mile.	}	ut intra		
Item, For every Minister's appearing at the Archbishop's Triennial Visitation.		0	1	00

Fees Due to be paid unto the Keeper of his Graces Archiepiscopal Seal.

Imprimis, For his Graces Archiepiscopal Seal fixed unto every Lease, made by the Lord Archbishop of Dublin, his Grace of any Lands, Tenements, Tithes, or other Grants.	}	0	10	0
Item, For every Collation or Institution unto an Ecclesiastical Benefice,		0	10	0
Item, For the Sale fixed unto Letters of Deacon,	}	0	6	8
Item, The like for Letters of full Orders - -		0	6	8

Fees due to be paid to the Keeper of the Consistorial Seal.

Imprimis, For every Citation or Decree of what Nature soever.	}	0	00	4
Item, For every Will, Administration, Letter of Tutel' Exemplifications, Commissions Licences, Certificates, and such like.		0	1	0

7 Ann. c. 17.
En.

6 *Stat. 1. c. 15. pars.* The Church-wardens of every Parish within the City of *Dublin* and Liberties, at any Time before the first of *May*, 1721, and so for ever, may place, at the Charge of such Parish, upon the Mains and Pipes belonging to any Water-work, such and so many Stop-blocks of Wood, with a two Inch Plugg, and so many Fire-cocks to go into each Main or Pipe, to be placed at such Distances in any Street or Place where such Church-Wardens shall direct; and the top of such Stop-bloks, to lye even with the Pavement: And the Church-Wardens may fix any Mark or Writing in the Front of any House over against the said Place, for the better making known where such Stop-blocks and Fire-cocks lye, and shall keep an Instrument in each House, where the Mark is fixed, to open the Plugg or Fire-cock; such Stop-blocks, Pluggs, and Fire-cocks to be kept in Repair, at the Charge of each Parish, where the same shall be so placed.

Each Parish shall at all Times have, and keep in good Order, in some publick Place within the Parish, a large Engine, and also a Hand-engine, to throw up Water for the extinguishing of Fires, and shall keep and maintain one Leather-pipe, and Socket of the same Size as the Plugg and Fire-cock, that the Socket may be put into the Pipe, to convey the Water clean without the Help of Buckets into the Engine; and in Default of fixing and continuing such Stop-blocks and Fire-cocks, and also in Default of having and keeping in good Repair such large Engine, Hand-engine, Leather-pipe and Socket, as aforesaid, the Grand-jury at the Quarter-sessions, may present, and charge upon the several Inhabitants of such Parish, such Sum as may enable the Church-wardens to provide such Stop-blocks and

Fire-

Fire-cocks, a large Engine and Hand-engine, Leather-pipe and Socket, the same to be levied on the Parish, as other publick Moneys are levied within the said County.

3 The Ministers, Church-wardens and Parishioners, in their Vestries, every Year on the first of *January*, or within two Days after, shall appoint one or more Persons in each Parish, to take care of the said Engines, Leather-pipe, Socket, Stop-block and Fire-cocks, who, from Time to Time, shall, at the Charge of the Parish, keep them in good Repair; and if such Person so appointed, shall neglect to keep in good Repair such Engines, &c. being convicted thereof before two Justices of the Peace, upon Oath, shall forfeit 10*l.* one Moiety to the Informer, and the other to the Church-wardens of the Parish, to be laid out in providing and maintaining such Engine, &c. by Warrant from two Justices, by Distress and Sale of the Offender's Goods, rendring the Overplus.

4 The first Engine-keeper who brings in a Parish-engine, to help to extinguish any Fire, in good Order and compleat, with a Socket-hole and Leather-pipe, shall be paid 20*s.* the Keeper of the second Parish-engine that shall be next brought shall be paid 10*s.* and the third 5*s.* by the Church-wardens of the Parish where the Fire happens; such Money to be afterwards charged and paid by the Inhabitants of such Parish, to reimburse the Church-wardens in the same Manner as other Parish-cesses in the said Parish are raised; and in Default of Payment, such Reward shall be recoverable from the Church-wardens where such Fire shall happen, by Warrant from two Justices of Peace, by Distress and Sale of such Church-wardens Goods, rendring the Overplus.

26 H. 8. c. 3.
En.

Who to pay
First Fruits.

12 Co. 45.

Plow. 9. a
postea, Tit.

20th Part, §

11 & 12.

4 Inst. 120.

How to be va-
lued, and
compounded.
See postea. sec.
19. 22. alter-
ed.

28 Hen. 8. c. 8. Every Person appointed to have any Archbishoprick, Bishoprick, Archdeaconry, Deanry, Prebend, Parsonage, or Vicarage, within this Land, shall pay, compound, or agree to pay to the King's Use, at reasonable Days, upon good Sureties, (f) *Annat* or *Ane*, First-fruits and Profits thereof for one whole Year, before his actual Possession or meddling with the Profits of the same.

The Lord Chancellor, Master of the Rolls, and Under-Treasurer, or any two of them (whereof the Under-Treasurer to be one) or such other Commissioners as the King under the great Seal shall name, shall examine and search for the true Value of the said First-fruits, and compound and agree for the same, appoint reasonable Days for Payment, upon good Security, and take Obligations at their Discretion; and the Bonds or Money taken upon such Compositions (made before the Lord Chancellor, or Master of the Rolls, and Under-Treasurer as aforesaid) shall remain in the Under-Treasurer's Hands, or in the Hanaper of the *Chancery* for the King's use; and the Under-Treasurer to make Account for such Bonds and Monies as come, or ought to come to his Hands, and the Clerk of the Hanaper to account for such as come, or ought to come to his Hands, as he does of the Money received of the Profits of the King's

(f) First Fruits or *Annates*, are the Profits, after Avoidance, of every spiritual Living, for one Year, which the Pope, formerly claiming the Disposal of all Ecclesiastical Livings, reserved, but have been by several Statutes translated to the King. They are called *Annates* because they took their Measure from the Rate or Proportion of one Year's Profit, of all spiritual Livings and Promotions, and accordingly are to be compounded for. *Godolph. Abr.* 335. 4. *Inst.* 120.

King's Great Seal; and if Composition be made before the Commissioners appointed by the King, as aforesaid, then Bonds and Money shall be delivered to the Under-Treasurer, or to whom the King shall give Commission under his Great Seal to receive the same.

3 Acquittances under the Hand of the Under-Treasurer, Clerk of the Hanaper, or other Commissioners aforesaid, or any of them, for any Money paid for First-fruits, shall be a sufficient Discharge for the same in any of the King's Courts; and upon Certificate made into the *Chancery* of any such Bond to be taken for the Payment of First-fruits, like Process shall be made thereupon, against any Person Spiritual or Temporal, as are made against any Lay Person, upon a Statute Staple: And none to pay above 8 *d.* for such Obligation, and 4 *d.* for the Acquittance.

Acquittances for them.

Bonds for them, how to be sued.

4 The Commissioners for First-fruits shall, every 6 Months after the Date of their Commission, deliver by Indenture, unto the said Under-Treasurer, or such Commissioners as shall be appointed to receive the same, such Money and Specialties as they shall receive, and in case they do not, or do conceal or imbezle any of them, they shall forfeit their Office, and make Ransom at the King's Pleasure. — Every Article, Provision, and thing whatsoever they be, enacted or comprised within the Act made at *Westminster*, 26 *H. 8. c. 3.* for the Surety of Payment of the said First-fruits in the said Realm of *England*, shall be in the same force to all Intents and Purposes within this Land. — All First-fruits heretofore payable to other Persons within this Land, shall from the first Day of this present Parliament cease, and be no longer paid, but only to the King's use, in such form

Commissioners to make Returns of Money, &c.

To be paid to the King only.

The King to provide a Priest, upon Avoidance. as is above mentioned by this Act. — Upon the Avoidance of any Parsonage, Vicarage or Benefice, the King (out of the Profits thereof) shall provide a sufficient and able Priest to serve the Cure, from the time of such Avoidance, till one be admitted and instituted to the same.

Penalty for not paying or compounding. In the Act made at *Westminster*, 26 *H. 8. c. 8* 3. (before mentioned) besides the Paragraphs already inserted concerning First-fruits; It is further enacted there as follows, *viz.* If any be convicted by Presentment, Verdict, Confession, or Witness, before the Lord Chancellor or other Commissioners, to have entered upon any Spiritual Living, before Payment or Composition made as aforesaid, he shall forfeit the double Value of the First-fruits. — Provided that Bi-

shops may give Institution and Induction notwithstanding this Act.

28 *Hen. 8. c. 26.* The First-fruits and Profits for one whole Year of every Abbey, &c. are granted to the King, &c.

How to be valued and taxed. The same Proceedings and Method (about the Valuation and taxing of these First-fruits) is to be followed and observed, as is directed in the aforesaid Statute of the 28 *H. 8. c. 8.* here first mentioned, for the Payment of First-fruits.

1 *El. c. 4. En.* 2 *El. c. 3.* The Act of the 3 & 4 *P. & M. c. 4.* wherein it is enacted that the Payment of First-fruits (united to the Crown by 28 *H. 8. c. 8.* in *Ireland*) should cease, and whereby the King and Queen relinquish, the Rectories, Parsonages, Benefices, Glebe-Lands, Tythes, Oblations, Pensions, Portions, and other Profits and Emoluments Ecclesiastical or Spiritual, which they enjoyed by Title of Inheritance, and agreed that they should be employed and disposed of, by the late Cardinal *Pool*, and such others as he shall name, to such Purposes as is mentioned in the said Act, is by this Statute of the 2 *El.* repealed.

13 repealed. — And the Payment of First-fruits revived and declared to be in the Queen's Person, and united to the Crown of this Realm; and the annual 20 Part or Pension (Granted by the Act 28 H. 8. c. 14.) and so much of the yearly Rents reserved upon Letters Patents, *Nomine Decimæ*, or *Vicesimæ partis*, and also so many of the Rectories, Parsonages, &c. aforesaid; and the Reversions thereof, and all Rents and Profits incident to the same, as were in the Hands and Possession of the said late Queen Mary, at or before the first Day of the said Parliament, holden in the said 3d and 4th Years, are vested in Queen Elizabeth her Heirs and Successors, as fully as they were in the said late Queen Mary before the said Act of Parliament; and to be answerable at the Queen's Exchequer as they were then, and the Statutes of the 18 H. 8 c. 8. & 14. are revived and confirmed. —

14 — The Right of other Persons, Bodies politick and corporate, (other than such Persons as be mentioned and named in any Letters Patents, made by the said Queen Mary at any Time after the said first Day of the said Parliament in the said 3d and 4th Years, or claiming only by the Authority of the same Act or Letters Patent or any of them) is saved by this Act.

15 — Pensions, Annuities, Rents, Corrodies, Fees Pensions, &c. and other yearly Payments, shall be paid by how to be the Queen, her Heirs and Successors, at the paid Receipt of the Exchequer, or in such other Places as the Queen, her Heirs and Successors shall appoint, to the Persons that ought to have the same, in such sort as ought to have been paid, in case the said Act now repealed had never been made.

16 Vicarages not exceeding the yearly Value of What Vicarages not chargeable. 6 l. 13 s. 4 d. after the Rate and Value upon the Records and Books of the Rates and Values

of the First-fruits and twentieth Part in the *Exchequer*, and Parsonage not exceeding the yearly Value of *5 l.* according to the said Books of Rates, shall not be chargeable with the payment of First-fruits.

Payment how
to be apporti-
oned on the
death of the
Incumbent.
Postea. sec.
22. altered.

If any Incumbent of any such spiritual Pro-¹⁷ motion as aforesaid, chargeable with the Payment of First-fruits, live to the end of one half Year, next after the last Avoidance of the same, so as he hath received, or without Fraud might lawfully have received, the Rents and Profits of that half Year, and dye or be legally outed without Fraud or Covin before the end of the other half Year then next following, he, his Executors, Administrators and Sureties, shall only pay a fourth Part of the First-fruits: If he live out the Year, and die or be lawfully outed without Fraud or Covin within one half Year then next following, one half of the First-fruits shall be paid: If he live out one Year and a half, and die or be outed without Fraud or Covin within six Months after, then only three Parts of the First-fruits shall be paid: And if he live to the End of two whole Years, and be not outed, then the whole First-fruits shall be paid.

Hospitals, and
Schools ex-
empted.

Provided that this Act shall not extend to charge any Hospital founded and used, and the Possessions thereof employed for the Relief of poor People, or any Schools, with the Payment of any twentieth Part or First-fruits, which Duties, having been chargeable upon all Promotions spiritual, and being remitted by King *Philip* and Queen *Mary*, were again restored and vested in Queen *Eliz.* by this Statute, 2 *El. c. 3.*

Letter Patents
of 10th Ann.
confirmed.

2 *Geo. 1. c. 15. pars.* The Letters Patents ¹⁹ from the late Queen *Anne*, dated the 17th of February in the 10th Year of Her Reign, granting

ting unto *Narcissus* then Lord Archbishop of *Armagh*, the Lord *Chancellor*, the Archbishop of *Dublin*, the Archbishop of *Cashel*, the Archbishop of *Tuam*, the Bishops of *Meath*, *Kildare*, and to several other Bishops, the Chief Judges of the *King's-Bench*, *Common-Pleas*, and *Exchequer*, and the *Prime-Serjeant*, *Attorney* and *Solicitor-General*, Sir *John Percival*, Baronet, and *Samuel Dopping*, Esq; and several other Persons in the said Letters Patents mentioned, and their Successors, all manner of First-fruits issuing out of the Ecclesiastical Benefices payable by the Clergy of this Kingdom for the purposes therein mentioned, are hereby confirmed, notwithstanding any Informality or other Defect therein, or in the passing thereof.

20 The several Persons to whom the First-fruits Title of the Grantees.

are granted by the said Letters Patents and their Successors, shall for ever hereafter have and enjoy all First-fruits becoming due out of every Ecclesiastical Benefice formerly payable for the Crown, but subject to the several Uses and Purposes in the said Letters Patents expressed, and no other, and discharged from all Rights and Titles which His present Majesty, &c. hath, or may have in Right of his Crown or

21 Prerogative Royal. — Provided that any seven or more of the Trustees or Commissioners Seven Commissioners may Act.

of whom the Lord Chancellor, and if there shall not be a Lord Chancellor, the Lord Keeper or first Commissioner of the Great Seal, one of the Lords Archbishops, and two of the Bishops of this Kingdom to be always four, may for ever hereafter act in the said Trusts (as the number appointed by the said Letters Patents might have acted and disposed thereof.)

22 Every Ecclesiastical Person obliged to pay 6 Ann. c. 27. En. First-fruits shall have 4 Years allowed him for The time for the payment.

First-fruits.

the Payment thereof, giving Writing Obligatory for Payment of the same as were used to be given, which 4 Years for all Archbishops and Bishops shall commence from the time of the Restitution of their Temporalities, and for all other Ecclesiastical Persons from the date of their Titles, to their Ecclesiastical Preferments, and that every of the said 4 Years, such Archbishop, Bishop, or other Ecclesiastical Person shall pay the 4th part of the whole sum of his said First-fruits; and if he die, or be removed before 4 Years shall be expired, He, his Heirs, Executors, and Administrators, shall be discharged of so much of such First-fruits as did not become due at or before the time of his Death or Removal.

Trustees may elect Persons in the Room of Trustees dying.

10 *Geo. 1. c. 7.* The Trustees named in the Letters Patents from the late Queen *Anne*, dated the 7th of *February*, in the 10th Year of her Reign, or as many of them as by the said Letters Patents, or by 2 *Geo. 1. c. 15.* or by this Act have, or shall have power to transact the business of the said Trust, shall have power to nominate and elect a Person in the room of *Samuel Dopping Esq;* deceased, and another in the room of the *Lord Viscount Percival* after his Decease; and so from time to time as often as any Vacancy shall happen in the places of the said *Lord Viscount Percival* and *Samuel Dopping*, or of any other Person elected to succeed therein, shall nominate and elect some other Person in such Place; which Person so from time to time elected shall be deemed to stand in the room of the *Lord Viscount Percival* and *Samuel Dopping*, as if their own proper Names had been inserted in the said Letters Patents.

Shall be a Body Politick.

The said Trustees shall from the 25th of *March* 1724, be one Body Politick and Corporate, by the

- the Name of the Trustees and Commissioners of the First-fruits, payable out of the Ecclesiastical Benefices, and shall have perpetual Succession, and shall have and use a common Seal to be by them appointed, and they and their Successors by the Name aforesaid, may sue and implead, and be sued and impleaded, answer and be answered in any place whatsoever: And the First-fruits issuing out of Ecclesiastical Benefices, payable by the Clergy given by the said Letters Patents from the said 25th of March, shall be vested in the said Corporation, who shall have and enjoy all the Rights, Privileges, and Authorities by the said Letters Patents and Act granted, and shall by the Name aforesaid do and execute all Matters which by the said Trustees
- 25 might lawfully be done and executed.———In Who shall the absence of the Lord Chancellor and one of the Archbishops, two of the Bishops, and one of the Chief Judges of the *King's-Bench*, *Common-Pleas* or *Exchequer*; and in the absence of the Chief Judges, then either the *Prime-Sergeant* at Law, *Attorney* or *Solicitor-General*, with three or more of the Trustees in the said Letters Patents named, or their Successors, shall be a *Quorum* of the said Corporation, and may for ever act in the said Trusts, and such Act and Disposition shall be valid in Law.
- 26 Where a Parish, or part of a Parish shall be united to another Parish or part of a Parish, or where any Benefice having actual Cure of Souls shall be united or appropriated to a Dignity or Prebend without Cure in pursuance of 2 Geo. 1. c. 14. And the Incumbent of any of the said united Parishes, or of the Parish whereof part only shall be united to any Parish, or of such Benefice united or appropriated to a Dignity or Prebend, shall die, resign, or be removed, the next Incumbent shall pay the First-fruits thereof,

as if we were legally collated or instituted and inducted to the same.——

A Certificate of the Death, Removal, or Resignation to be returned to the First-fruits Office.

The Archbishops and Bishops shall make and return to the First-fruits Office a Certificate of the Death, Removal or Resignation of such Incumbent, and the Name of the next Person succeeding, with the several Denominations of each divided and united Parishes, within such time, and in the same manner, as Certificates usually have been made and returned upon the Institution or Collation of Incumbents to Livings or Benefices.

First-fruits, how to be apportioned on the division of Parishes.

Where any Parish or part of a Parish now liable to the payment of First-fruits shall be divided by virtue of 2 Geo. 1. c. 14. The Chief Governor and Privy Council, by the Instrument whereby such Division shall be made and confirmed, may settle a just proportion of the First-fruits now due for such Parish, which shall be payable out of each Parish or part of a Parish so divided, and such First-fruits thereby ascertained, and no other, shall from thenceforth be payable out of such Parish, &c. so divided.

First-fruits of divided or new erected Parishes.

When any Parish hath been already divided into two or more Parishes, or where part of one or more Parish or Parishes hath been erected into a new Parish before the first Day of this Session, by virtue of the said Act, and the Archbishop of the Province and Bishop of the Diocese where such divided or new erected Parish lies, by Instruments under their Hands and Archiepiscopal and Episcopal Seals, with the consent of the Trustees of the First-fruits, or any seven or more of them, signified under their common Seal, shall ascertain a just proportion of the First-fruits formerly due for such Parish, which shall be payable out of such new erected, divided or united Parishes as the same becomes void ; and upon

upon every such Ordinance, be secured, sued for and recovered, in such like manner as the First-fruits of other Parishes are secured, sued for, and recovered.

- 30 Provided nothing herein contained shall extend ^{Parish ex-} to charge any Parish, or any part thereof that ^{empted.} shall be divided pursuant to the said Act, with the payment of the First-fruits that is now exempted therefrom.

Forcible Entrys.

The Statutes concerning Forcible Entry, extend to Church Livings, where any Forcible Entry is made into them, and Justices of the Peace have Cognizance thereof, as appears by 15 Ric. 2. cap. 2. *En.* and divers later Statutes.

Forfeited Estates, and Forfeiture.

- 1 17 Ed. 2. c. 14. *En.* The King shall have the Escheats of the Lands of Free-holders of Archbishops and Bishops, which happen in time of Vacation, to dispose of at his pleasure, the said Free-holders being attainted for Felony; saving to such Prelates the Service that thereto is due and accustomed.

- 2 14, & 15. Car. 2. Sess. 4. cap. 2. All Chantries, Mannors, Lands, Rents, Tythes, Pensions, and other Hereditaments to them belonging, which were in the Seisin or Possession, and out of which any Rent or Duty was reserved, by any not adjudged innocent within this Act, as also all Lands and Tenements belonging to any Ecclesiastical Persons, in their publick Capacity; and that have been formerly lett by them in Fee-farm, the Right whereof was in any Persons,

Persons, their Heirs or Assigns, who shall not be adjudged innocent within this Act: As also all Leases, made by any Ecclesiastical Persons, of any Lands or Tenements belonging to them in their Politick Capacity, to any Persons, their Executors, Administrators, or Assigns, who shall not be adjudged innocent within this Act: And all Improvements, and appropriate Tythes, belonging to any Persons, their Heirs, Executors, Administrators, or Assigns, who shall not be adjudged innocent within this Act, are, from the 23^d of *October*, 1641. adjudged forfeited to the King, his Heirs, and Successors, and vested in him without any of Office or Inquisition, notwithstanding the former Proprietors have not been attainted of the Rebellion in this Act recited.

But this Act not to be construed to forfeit and ³ vest in the King any Lands, &c. on the said 23^d of *October*, belonging to the University of *Dublin*, or to any Archbishop, Bishop, Dean, or other Ecclesiastical Persons, in their Politick Capacity, or any other College, Hospital, Church Collegiate, or Parochial, or to the Church Wardens and Parishioners of any Parish Church for the uses thereof, or to any Parson, Rector, or Vicar of any Parish Church, or to *John* Lord Archbishop of *Armagh*.

This Act not to prejudice any Protestants or ⁴ innocent Papists, their innocent Executors or Administrators, holding Tythes by Lease from the Crown, by reason of any Forfeiture for non payment of the Rents for the time past, but that they may hold during their Terms.

The Mannors, Lands, Tenements, and Rents, ⁵ whereof any Archbishop, Bishop, Dean, or other Ecclesiastical Persons, in their politick capacity, were actually seized, or by themselves or Tenants possessed in 1641. and thro' the Fury of the Times

Times have been dispossessed, to be forthwith restored to them: The Right of others (other than such as are not, or shall not be adjudged innocent Papists) is saved.

6 Leases granted for any Term of Years unexpired by any Archbishop, &c. or other Ecclesiastical Persons, of any their Church Lands, and that are by this Act forfeited and vested in the King; the same Lands, and the remainder of the Term unexpired of such Leases, are given and confirmed unto the respective Sees or Bodies politick to whom the Reversions belong, except the remainder of the Term unexpired, of such forfeited Leases of any of the Lands lying within such Parts of the Counties of *Wicklow*, *Longford*, *Leitrim*, and *Donnegal*, and the *Mile-End*, as by this Act are assigned to the Officers that served before the 5th of *June*, 1649. they, their Executors, Administrators, and Assigns, paying such Rents, and performing such Covenants, to the said respective Sees Reversioners as the Lessees had paid, or ought to have paid in the Year, 1641. during their Terms unexpired. Except also all forfeited Leases, exceeding the Term of 60 Years, of any Chantry Lands, or Houses lying within the security of the said Officers, and were not surrendered, or sentenced to be surrendered to the Church, in or before the Years 1640, or 1641. the remainder of which Term unexpired being esteemed part of the Security of the said Officers, they paying and performing as aforesaid, or two Shillings in the Pound at the improved Value, (to be ascertained as aforesaid) at the Election of the Bishop of the Diocess.

7 Out of the Lands belonging to any Archbishop, Bishop, &c. or other Ecclesiastical Persons, which have been granted in Fee Farm, and by this Act are forfeited and vested in the King,

King, to be allotted, and set out for the better Support and Maintenance of the Archbishops and Bishops hereafter named, and their Successors for ever, that is to say, to the Lord Archbishop of *Dublin* and his Successors, so much of the said forfeited Lands, as shall make up the Rent of that Archbishoprick and the Bishoprick of *Glendelough* thereunto united, of the clear yearly Value of 2000*l. Sterl.* over and above the Mansion-house and Gardens of *St. Sépulchres* in *Dublin*, and the Demeasn Lands of the Manor of *Tallagh*, and the Mensal Lands thereunto belonging. To the Lord Archbishop of *Cashel* and his Successors 300*l. Sterl. per ann.* To the Bishop of *Kildare* and his Successors, 700*l. Sterl. per Ann.* To the Bishop of *Clonfert* and his Successors 200*l. Sterl. per Ann.* To the Bishop of *Ferns* and *Loghlin* and his Successors 300*l. Sterl. per Ann.* To the Bishop of *Limerick* and his Successors 300*l. Sterl. per Ann.* To the Bishop of *Ossory* and his Successors 400*l. Sterl. per Ann.* To the Bishop of *Killalow* and his Successors 200*l. Sterl. per Ann.* And to the Provost of *Trinity College* near *Dublin* (out of the forfeited Lands in the Archbishoprick of *Dublin*) and his Successors 300*l. Sterl. per Ann.*

The said Archbishops, and Bishops, to have⁸ their Lands set out within their own Bishopricks, if there be Land sufficient, and if not, then such of them as is deficient, to have the remainder set out and allotted to it out of the aforesaid Lands, belonging to the Bishopricks that superabound, and which is most contiguous, and convenient, as will make up such sufficiency in proportion to the Value aforesaid. The same Lands to be set out, and the Valuation thereof to be performed, in such manner as the Lord Lieutenant,
or

or other Governours of this Kingdom shall direct, before any part of the said Lands be otherwise disposed of: And out of all the said Lands so to be set out, the same Rent shall be reserved and payable to the King, as by this Act is reserved and payable to him by the Adventurers and Soldiers, to be held of him, his Heirs and Successors by the Tenure of *Frank Almoigne*, or other Services and Tenures, as the same were held before the making of this Act.

9 All Impropriations or Appropriate Tythes, forfeited to, or vested in the King, his Heirs and Successors, by this Act, or otherwise forfeited and escheated to him in right of his Crown, (if there be no Leases thereof in being unforfeited, or as soon as such Leases are expired, or otherwise determined) are given to the Church *Postea sec. 22.* for ever, and settled upon the present and future Incumbents and their Successors, having the actual cure of Souls in those Parishes where such Impropriations are, and such impropriate Tythes do arise, reserving such Portion thereof to be settled upon the Vicars and Quire-men of each Cathedral Church for the increase of their Maintenance, as the Lieutenant or other, &c. and Council at any Time before the 1st of January 1664. shall think fit, they, the said Incumbents and their Successors, paying to the King, his Heirs and Successors, such Rents and Duties as were formerly paid for the same; with such increase of Rents, as by the said Lord Lieutenant, &c. with 6 or more of the Council, shall be adjudged reasonable, within the space of 2 Years from the passing of this Act, and not after; or from the said expiration of the said unforfeited Leases respectively.

10 Nothing in this Act shall extend to the disposing or altering of any Improprate Rectories or Tythes, or Rents, enjoyed by, or settled on the

the Lord Lieutenant, or other, &c. or which are enjoyed by the Lords Presidents of *Munster* and *Connaught*, in right of their Places: And that the Chief Justice of the *King's-Bench*, and Chief Baron of the *Exchequer*, and Master of the *Rolls*, or any other of the King's Officers, shall, and may, have and receive such Port Corn of the several Rectories, which formerly have been paid and reserved.

The Lord Lieutenant, or other Chief, &c. to allot to such Persons (who by this Act may be restored unto the said Rectories impropriate, in case no such Annexation had been made) such recompence out of the same Improvements, as to him or them shall be thought most fit; which recompence so to be assigned, shall be received and enjoyed accordingly.

Out of every 100 Acres of forfeited and escheated Lands vested in the King, and not actually disposed of, 2 Acres to be set apart for Glebe in every Parish, Barony and County, most contiguous and convenient for the several Parish Churches in such places situate, or to be situated; and out of such Lands already disposed and confirmed by this Act to the Possessors; they to pay so much Money as will purchase such number of Acres of the aforesaid Measure and same Quality within the said Parish, as the Lands out of which the same Acres should have been taken, shall be adjudged. The same Rent to be paid to the King, his Heirs and Successors, and in the same manner by the Incumbents and their Successors, enjoying the said Lands to set out for Glebes, as the said forfeited Lands (out of which they are taken) are by this Act ordained to pay.

Out of all forfeited Chuntries, and the Lands thereunto belonging, vested in the King, and assigned, or intended to be assigned to any Commissioned

Forfeited Estates, &c.

94

missioned Officers, their Heirs or Assigns, who served the King or his late Father, in the late Wars of *Ireland*, at any time before the 5th of *June*, 1642. and received no Satisfaction for the same, and which paid any Rent to the Church, in the Years 1640. and 1641. there shall be paid for ever by them so enjoying the said Premises, the Rents and all other Duties formerly paid to the Church, or in lieu thereof 2 s. for every Pound of improved Value, at the Election of the Bishop of the Diocese: The Rent to be ascertained with all convenient Speed by the Chief Governor, &c. and the Council, or whom they shall appoint: And the Rent to be paid to such Rectory or Vicarage, that is, or shall be, of the Church wherein such Chantry was erected, or otherwise to such Ministers of the Diocese as the Bishop thereof thinks fit; and such Rents to be in lieu of all Crown Rents, and other Acknowledgments whatsoever payable out of such Chantries or Lands.

4 Out of all Lands, &c. set in Fee-farm by the Bishop of the Diocese wherein such Lands are, upon which any Rent was paid to the Church in the Years aforesaid, and which are forfeited, &c. and are assigned, or intended to be assigned to such Officers as aforesaid; there shall be paid for ever by them in lieu, &c. 2 s. in the Pound at the improved Value, to be ascertained as aforesaid.

5 And out of the several Houses forfeited and vested as aforesaid, lying in the several walled Towns, Cities, Corporations. and Boroughs, within this Kingdom, and assigned for Satisfaction as aforesaid, that Archbishop, Bishop, and Minister, whose Houses in any of their respective Dioceses, or Livings, within the said Towns or Suburbs, are wasted or not habitable, shall have set out to them an handsome convenient House Rent free, (other than the Rent

G

payable

payable to the King) to be paid by them during the said Term, according to the Values to be set upon the yearly Rent of such Houses set out as aforesaid, for the Space of seven Years, to begin from the Day such Possession is given, the same to be in the most convenient Place for the Minister's Residence. And every Archbishop and Bishop to have his choice of the best forfeited House and Garden, within the City or Suburbs where his Cathedral is, during the aforesaid Time : And such Archbishop or Bishop, or other Minister, having no House or Housestead belonging to their Sees or Rectories lying within the said Town, then a convenient House out of the Houses aforesaid, or Housestead, at their Election, shall be set out to them and their Successors for ever, under the Rent reservable to the King for the same by this Act, to be paid by them and their Successors.

All Proceedings and Orders of the Commis-¹⁶ sioners in pursuance of their Commission, and according to the King's Declaration, and Instructions, and this Act, that have express reference to the Settlement of the Interests of the Church, shall by virtue of this Act be as good and effectual in Law, as if they had been particularly mentioned by Authority of this Parliament.

This Act not to extend to dispose of any¹⁷ Lands, &c. belonging to *Trinity College, Dublin*, whereof they were seiz'd in Fee in 1640, and are in their possession, but that the same, and the Right of all Persons to any part thereof by virtue of any Grant or Lease from the said College, and which is forfeited by the late Rebellion, do remain, and be confirmed to the said College and Successors, paying such Rents as Adventurers ought to pay for the Lands within the Provinces where the Lands hereby granted and confirmed lie.

Nor

18 Nor shall this Act, or the Act enabling ecclesiastical Persons to make Leases for 60 Years, for Encouragement of Planters, be prejudicial to the Title of the Earl of *Cork*, or Bishop of *Cork*, to the Town and Lands of *Ballymulrask*, in the County of *Cork*.

17 & 18 Car. 2. Sess. 5. Cap. 2. This Act was made for the explaining some Doubts arising upon the former Act, and for making some Alterations of, and Additions unto the said Act.

19 By this Act the Commissioners with all convenient Speed are to set out to the Archbishops and Bishops, in the said former Act (in that case named) and to their Successors, such Augmentations and Allowances, and out of such Lands as were formerly held, or reputed so, in Fee-farm of any Archbishop, Bishop, Dean, or other ecclesiastical Person, in his or their politick Capacity, under the Reservation of any Chiefry, Rent, or other Duty, or Service, in such Way as by the said former Act is appointed; provided, that where Lands disposible by this or the former Act, have been granted to any such Archbishop or Bishop, and their Successors, by any Letters Patents under the Great Seal of *Ireland*, bearing Date since the passing the said former Act, towards such Augmentations; and if upon Survey and Valuation, the said Lands appear not to exceed the Value of such Augmentations, as were intended them by the former Act, then they and their Successors to hold the same according to their Letters Patents, and to be of like Force as other Letters Patents granted to Adventurers or Soldiers, are by this Act: But if they exceed the Value of such Augmentations as were intended them by the former Act, then the Commissioners to cause such Retrenchment of the Overplus to be made, as may leave them their due Augmentations, with as much Conve-

niency and Contiguity as may be, and the Lands so left to be held by them as amply, as if the Lands granted had not exceeded the Value, and the said Letters Patents as to such Overplus to be so retrenched, to be void; and the retrenched Lands to remain in the King, to the Uses of this Act. And if the Lands so granted, fall short of the Value of such Augmentation, the Commissioners to cause the same to be made up out of such Lands, and in such manner as by the said former Act is directed.

So many Acres of Land to be set out by the Commissioners, as may endow all the parochial Churches in this Kingdom with ten Acres of Glebe at the least, except such parochial Churches as are endowed with the like or a greater Quantity of Glebe already, and the same to be so allotted as may be most contiguous and convenient to them; in which Provision Parishes united and to be united, by the Act for the real Union and Division of Parishes. &c. are to be understood but as one Parish; and Parishes within great Cities and walled Towns are not to be comprehended: And the like Care as to Contiguity, &c. is to be had, in the setting out the Augmentations of the Archbishops and Bishops not already provided for as aforesaid, as far as may be, and upon Certificate made by the Commissioners to the Lord Lieutenant, or other chief, &c. and Council, if they approve thereof, then the Lands so set out, declared to be vested in the several Archbishops, Bishops, and Incumbents of parochial Churches, and their Successors; and Letters Patents thereof to be passed by them, and their Successors, as in case of Adventurers, &c. and to be of like Effect, but subject to the Quit Rents in this Act mentioned: And the Lands held in Fee-farm, &c. as aforesaid, and the several Impropriations, vested in the King, to remain

main in the Possession of the several Archbishops, Bishops, and other Incumbents, until their Augmentations and Glebes, be set out, and satisfied, as aforesaid; and after to be vested in the King to the Uses in this Act. And all Improvements and appropriate Tythes vested in the King, and by the said former Act settled in the present and future Incumbents, and their Successors, shall remain so, subject to such Reservations, Provisions, &c. as in the said former Act, so that the Matters and Things to be done within two Years *Ante, Sec. 9.* after the passing of that Act, be likewise done within two Years from the passing of this Act,

21 All Grants and Conveyances to be made by any Archbishop or Bishop, of any Lands, &c. settled upon him and his Successors as an Augmentation of his Revenue, as aforesaid, other than for 21 Years, or 3 Lives, from such Time as any such Lease, Grant, or Assurance shall begin, and whereon the full Moiety of the yearly Value and improved Rent to be set, shall be reserved during the said Term of 21 Years, shall be void.

22 The Commissioners to set out so many more profitable Acres, as may secure a yearly Rent Charge of 300 *l. per Ann.* out of the same, for the perpetual Support of the Provost of *Trinity* College, as the Lord Lieutenant and Council shall direct.

23 The House chosen by the Bishop of *Limerick*, in that City, to be annexed to that See for ever, as a Mansion House.

24 11 and 12 *Will. 3. Sess. 2. c. 2. En.* By this Act the Trustees or any 7, &c. as soon as conveniently may be, after 25th *March*, 1701, shall convey by Bargain and Sale to be enrolled, all the Rectories impropriate, Tythes, Obations, Obventions, Glebes, Advowsons of Vicarages, and the Appurtenances, forfeited by reason of

the Rebellion, and vested in them by this Act to such Persons and their Heirs, as the Bishop of the Diocese shall nominate, to the intent the Profits thereof shall be imployed from 2d November, 1699, for 20 Years next ensuing, in rebuilding or repairing such Parish Churches in *Ireland*, as the Lords Justices, or Chief Governor (with the Consent of the Bishop) shall appoint, and afterwards for the perpetual Augmentation of such small Rectories or Vicarages, as the said Lords Justices, &c. under their Hands and Seals, with the Consent of the Bishop (where such Augmentation shall be made) shall direct and appoint, such Appointments before the 25th of *March*, 1703, to be enrolled in the *Chancery* of *Ireland*.

A Proviso not to make void a Grant of 1500 *l.* *Sterl.* made by the King and late Queen, out of the said forfeited Estates, for Repair of the Cathedral or other Churches in *Limerick*, for or in respect of the said 1500 *l.* only, or to make the Receivers thereof accountable to the Trustees.

1 *An. c. 32. En.* There is a Proviso in this Act, that nothing herein shall extend to the Rectories impropriate or Vicarages, Tythes, &c. vested in the said Trustees by the said Act 11 *Will. 3. c. 2.* but the said Rectories, &c. shall continue in the said Trustees for the Uses in the said Act directed, but in such case the said Trustees are to make a Deduction and Allowance out of the Purchase Money to be paid them for such Rectories, &c. after the Rate of thirteen Years Purchase, to every Person who had purchased the same, their Heirs and Assigns.

Forgery.

28 *Cl. c. 3.* There is a Proviso in this Act, that it shall not extend to charge any Ordinary, Commissary,

Commissary, Register, or Official, or any of their Ministers, with any the Offences in this Act, for putting their Seal of Office to any Will, to be exhibited to them, not knowing the same to be forged, or for writing the said Will, or Probate of the same.

- 2 Nor to charge any Proctor, Advocate, or Register of any Ecclesiastical Court within this Realm, for Writing, Setting-forth, or Pleading of any Proxy, made for the Appearance of any Person cited to appear in any of the said Courts Ecclesiastical, nor to any Archdeacon, or Official, for putting their authentick Seal to such Proxy, nor to any Ecclesiastical Judge for admitting the same.

Franchises and Liberties.

- 1 *Magna Charta, c. 1. 9 Hen. 3. En.* The Church of *England* shall be (a) free, and shall have all her holy (b) Rights and Liberties inviolable.
- 2 *Magna Charta, c. 37. 9 Hen. 3. En.* All free and ancient Liberties and Customs of all Persons, as well (c) spiritual as temporal, are reserved,
G 4

(a) This Charter is declaratory of the ancient Law, and Liberty of *England*, and therefore no new Freedom is hereby granted, but a Restitution of such as they lawfully had before, and to free them by any Power whatsoever.

(b) Their holy Rights, is meant their lawful Jurisdiction, and other their Rights, without any Diminution, and their Rights, proves, that no new Rights were given to them, but such as they had before, are hereby confirmed. 2 *Inst. 3.*

(c) Ecclesiastical Persons have more and greater Liberties than other of the King's Subjects; my Lord *Coke* enumerates the following.

1. If a Person in Holy Orders be elected to serve in any temporal Office, he shall have a Writ for his Discharge, which see *Regist. 58. F. N. B. 175.*

2. They ought not in Person to serve in War.

3. They

Franchises and Liberties.

reserved, which the King himself promiseth to observe, and commandeth all Men of this Realm to do the like. He likewise farther promiseth, that

3. They ought to be discharged of Tolls and Customs, Airsage, Pontage, Pairage, and the like for their Ecclesiastical Goods, and if they be molested therefore, they may have a Writ for their Discharge, which see in the *Register*, and *F. N. B.* 227.

4. If they be in fear that their Goods or Chattles, or Beasts, or the Goods of their Farmers, &c. shall be taken by the Ministers of the King, for the Business of the King, they may purchase a Protection *cum clausula nolumus*. See *F. N. B.* 29. *Regist.* 289.

5. Distresses shall not be taken by Sheriffs or other the King's Ministers, in the Inheritance of the Church, where-with it was anciently endowed, but otherwise it is of late Purchase. See *Tit. Distresses* 2. *Inst.* 4.

6. Their Bodies shall not be taken upon a Statute Merchant or Staple, for the Writ thereupon is to take the Body of the Consor *si Laicus sit*.

7. If a Person be bound in a Recognizance in *Chancery*, or in any other Court, &c. by the common Law, if the Person had nothing but Ecclesiastical Goods, the Recognizee could not have had a *levari facias* to the Sheriff, to levy the same of these Goods, but the Writ ought to be directed to the Bishop of the Diocese to levy the same of his Ecclesiastical Goods. In an Action brought against a Person (wherein a *Capias* lieth) for Example an account, the Sheriff returns *quod Clericus est beneficiatus, nullum habens Laicum feodum*, in which he may be summoned, in this Case the Plaintiff cannot have a *Capias* to the Sheriff to take the Body, but a Writ to the Bishop to cause him to come and appear. But if he had returned *quod Clericus est nullum habens Laicum feodum*, then is a *Capias* to be granted to the Sheriff, for that it appeared not by the Return that he had a Benefice, so as he might be warned by the Bishop, and no Man can be exempt from Justice,

8. Ecclesiastical Persons are not obliged to attend at Towns or Views of Frank-pledge. See *Tit. County and Turn*. And thus, having enumerated many of the ancient Liberties of the Clergy, he concludes, that as the overflowing of Waters many times makes the River lose its proper Channels, so in times past, Ecclesiastical Persons, seeking to extend their Liberties beyond their true Bounds, either lost, or enjoyed not, that which of Right belonged to them 2 *Inst.* 3, 4.

that neither he nor his Heirs shall procure or do any thing to infringe them ; and that if any thing be so procured, it shall be void.

3 14 *Ed. 3. Stat. 1. c. 1. En.* Holy Church shall have her Liberties in quietness.

4 25 *Ed. 3. Stat. 3. c. 1. En.* All Privileges and Franchises heretofore granted to the Clergy are confirmed, and shall be holden in all Points.

5 6 *Ric. 2. Stat. 1. c. 1. En.* The Church of *England* shall have all her Liberties whole and unhurt, and of the same shall fully enjoy the Use.

6 7. *Ric. 2. c. 1. En.* The Holy Church shall enjoy all her Liberties and Franchises, as she had them in the Time of the King's Progenitors. The like is granted in 2 *R. 2. c. 1.* 3 *R. 2. c. 1.* 5 *R. 2. c. 1.* 12 *R. 2. c. 1.* and 1 *H. 4. c. 1.*

7 2 *Hen. 4. c. 1. En.* The Church shall have her Rights and Liberties. All Lords Spiritual and Temporal, Cities, Boroughs, and Towns enfranchised, shall enjoy their Liberties and Franchises, which they have lawfully used, or have had by the Grant of the King's Predecessors, Kings of *England*, vide 9 *H. 4. c. 1.* 13 *H. 4. c. 1.* 3 *H. 5. c. 1.* and 2 *H. 6. c. 1.* which are in effect the same, save that they except such Franchises as are repealed or repealable by the Common Law,

Glebes.

1 15 *Car. 1. c. 11.* Any Person, without Li- Churches not cence of *Mortmain*, may endow Churches hav- having above ing no Glebe-lands (or not above 10 Acres of 10 Acres, may Glebe) with new Glebes, so as the Glebe of any be endowed such Church, so endowed, do not exceed 40 with 40. *Post*, *f. 5, 13, 17, 19, 23, 27, 36, 37,* Acres at the most.

2 2 *Ann. sess. 1. c. 10.* Any Person, having any 40. Cure of Souls, by Deed, may exchange such Glebes, or any part thereof, as lie at a Distance from

from the Parish-church, with any Arch-bishop, Bishop, or other Person, for Lands of equal Value, lying near and convenient to the said Church.

Glebes may be exchanged. — Provided, the Bishop of the Diocese, with his Dean and Chapter, under his and their Common Seals, and the Patron of such Church or his Attorney (where the Patronage is in any other than the Bishop) under his Hand and Seal to such Deed of Exchange, approve thereof; and where the Patronage is in the Crown, the Chief Governor may give Consent to such Deed of Exchange, in Writing, under his Hand and Seal.

Such exchange to be approved of, and how.

A Jury to be returned, to find the Value.

Post, f. 41. &c.

Before the perfecting such Deeds of Exchange, the Sheriff of the County where both or either of the Lands to be exchanged shall be, at the request of the Bishop, Patron and Parties, may call a Jury of 12 Free-holders; whereof Notice shall be given at some preceding County-court, of the Time and Place such Jury is to meet; and the Jury shall inquire of the true Value and Quantity of the Lands, and Conveniency of the Exchange, by the Oaths of knowing and substantial Witnesses; and the Value and Conveniency so found, together with the Mears and Bounds thereof, shall return to the Bishop; who shall procure the said Return, and Deeds of Exchange, to be recorded in the Court of *Exchequer*, in the First Remembrancer's Office; for which Inquest, the Sheriff shall receive 10 s. and the Remembrancer for recording thereof 6 s. 8 d. and the Land, so given in Exchange, shall be enjoyed as Glebe for ever, notwithstanding the same formerly belonged to any Archbishop, &c. Tenant for Life or in Tail, with the Consent of the next in Remainder; and the said old Glebe, or part thereof, so given in Exchange, shall remain to such Uses as the Land given for the same was formerly limited.

Every

5 Every Arch-bishop, Bishop, Dean, Dignitary and Prebendary, having Land belonging to their Archbishopsricks, &c. near any Church, and convenient for a Glebe for the said Church, not already endowed with 20 Acres of Glebe, by Advice and Consent of the Dean and Chapter, may grant any Quantity thereof, not exceeding 20 Acres, Plantation-measure, to any Ecclesiastical Person, having the actual Cure of Souls, and his Successors, at the Moiety of the present yearly Rent, or for any greater Sum; which Rent shall be paid for ever to the said Arch-bishop, &c. and their Successors, at 4 Payments, viz. Lady-day, St. John Baptist, St. Michael and Christmas-day; and in case of Non-payment, the said Arch-bishop, &c. may distrain and sue for the same, 6 and the Arrears thereof.—The said 20 Acres, or lesser Quantity, of Land, so granted as aforesaid, shall be reputed the Glebe of the Parish to whose Incumbent and Successors it is granted.

7 *This Act shall be in Force for 21 Years, and no longer. Postea, f. 29. continued for 21 Years.*

8 8. Geo. I. c. 11. Any Arch-bishop, Bishop, Ecclesiastical Dean, Arch-deacon, Dignitary, or Prebendary of any Cathedral-church, may, by Deed, exchange such their Demeasn or Mensal Lands, as are inconveniently situated to the proper places of their Residence, or any part thereof, with any Arch-bishop, &c. or other Person, for Lands of equal Value, Worth, and Purchase, that lie more convenient for Building and Improvement, in any City, Town or Village near such Cathedral-church, in such Manner as, by 2 Ann. c. 10. is directed; and the Lands so conveyed in Exchange, shall be deemed the Demeasn or Mensal Lands of such Arch-bishops, &c. making such Exchange, and their Successors.

9 Every, Arch-bishop, &c. with the Consent of the Chief Governor and Privy Council, 6 there-

Churches not having 20 Acres, may be endowed with 20, and by whom. *Ante. f. 1. Post, f. 13, 17, 19, 23, 27, 36, 37, 40.*

Persons may exchange Glebes. *Ante, f. 2. Post, f. 25.*

Demeasn or Mensal Lands of Bishops, how to be set apart, and lett.

of at least agreeing thereunto, out of any part of his Lands being out of Lease, or whereof any Lease unexpired shall be surrendered unto, or purchased, by such Arch-bishop, &c. may set apart so much as shall be convenient for Demeasn or Mensal Lands, to him and his Successors for ever; which Land, so set apart, shall for ever thereafter be reputed for the Demeasn or Mensal Lands of such Archbishop, &c. and his Successors; and where the present Demeasn Lands, or any part thereof, to any Archbishop, &c. belonging, are situate at too great Distance from his Mansion-House, such Archbishop, &c. with the Consent of the Chief Governor and Council as aforesaid, may set apart other Lands belonging to such Archbishop, &c. being out of Lease, or whereof the Leases shall be surrendered unto, or purchased by, such Arch-bishop, &c. that lie at a more convenient Distance from his Mansion-house, for ever after to be reputed as Demeasn or Mensal Lands to him and his Successors; and in lieu thereof, may demise such Demeasn or Mensal Lands, situate at too great a Distance as as aforesaid, being of equal Value with the Lands so set apart for Demeasn or Mensal Lands, for such Estate or Interest, and under as great a Rent and the same Reservations, Terms and Conditions, as he might have demised the Lands so set apart as aforesaid.

Provided, if part only of such Demeasn or Mensal Lands so to be demised, in lieu of Lands so set apart, shall be lett in one Lease, the Consent of the Chief Governor and Council, &c. shall be first obtained to the Rent, Reservations, Terms and Conditions of such Lease; otherwise the same shall be void.

Provided, when the Consent of the Chief Governor and Council has been once obtained as aforesaid, every such Arch-bishop, &c. without any

any such Consent ever again to be had, may set any Lease of the same Lands, in such Manner, and under such Rent, as the Lease thereof, with such Consent, was made.

- 12 The Arch-bishop of *Dublin*, by any Deed under Hand and Seal, enrolled in the *Chancery* of ^{Arch-bishop of *Dublin* may} this Kingdom, may give and grant any Lands, ^{grant Lands to} Tythes, Tenements or Hereditaments, ^{a Resident Cu-} whereof the said Arch-bishop is or shall be seised in his ^{rate.} own Right, to any Resident Curate by him appointed for the Cure of Souls, in any Parish in the Diocese of *Dublin*, and his Successors; and such Lands, &c. so granted, shall remain to such Curate and his Successors, for ever.

- 13 If any such Resident Curate, or his Successors, shall erect or make, or add to any House ^{Such Curate to} or other necessary Improvement, on any Lands ^{be allowed, by} so granted, convenient for the Habitation of ^{his Successors,} such Resident Curate and his Successors, he shall ^{for Improve-} receive from his immediate Successor, his Executors or Administrators, 2 thirds of the Sums really expended on such Houses or Improvements (necessary annual Reparations only excepted) which Sum shall be finally ascertained by Certificate, under the Hand and Seal of the Arch-bishop of *Dublin* for the time being; and such Successor, having paid 2 thirds of the Sum certified, shall receive one Moiety thereof from his immediate Successor, his Executors or Administrators, to be paid and recovered at such times, in such manner, as Vicars in other Parishes are enabled to recover the like Disbursements, by 10 *Gul.* 3. c. 6. ^{ment. *Post.*} *f.* 38, 39, 40.

- 14 8 *Geo.* 1. c. 12. *pars.* Any Person, qualified ^{Who may en-} by 15 *Car.* 1. c. 11. to endow Churches with ^{dow Churches} Glebes, may endow a Church as by the said Act is ^{with Glebe.} directed, and reserve to himself, and his Heirs ^{*Ante, f.* 1, 5.} for ever, such yearly Rent out of the said Lands ^{*Post, f.* 17, 19,} by him granted, and under such Clauses and Co- ^{23, 27, 36, 37,} ^{40.} venants,

venants, as shall be agreed upon between him and the Incumbent of the Church, with the Consent of the Arch-bishop or Bishop of the Diocess, and Arch-bishop of the Province, signified by Certificate under their Archiepiscopal and Episcopal Seals.—Such Endowment and Certificate shall, within 6 Calendar Months, be enrolled in *Chancery*; for which, 13s. 4d. shall be paid, and no more.—Provided, no Person shall be enabled to endow any Church with any Portion of the Demeasns-lands usually occupied with, and reputed as Demeasn, to appertain unto the Mansion or chief Dwelling-house to him and his Heirs belonging.

Incumbent endowing, to be allowed by his Successor. If any Incumbent of any such Church shall purchase Glebe-land, and endow his Church with the same, reserving no Rent thereout, such

Incumbent, his Executors or Administrators, shall be intitled unto 2 thirds of his Purchase-money, to be paid by his immediate Successor, or his Executors or Administrators; and such immediate Successor, his Executors or Administrators, shall be intitled to one half of what he shall so pay; which Sums shall be paid and recovered at such times, and in such manner, as Vicars of any Parishes are enabled to recover any Sum laid out in building and improving Church-lands, by *Stat. 10. Gul. 3. c. 6.*

Bishops may endow Churches with Acres of Glebe. *Ante,* Every Arch-bishop and Bishop, with the Consent of his Dean and Chapter, signified by Certificate under their Common Seal; and where there is no Dean and Chapter, with the Consent of the Arch-deacon and 6 Beneficed Clergy-men of his Diocess, signified under their Hands and Seals; by Deed under the Hands and Seals of such Arch-bishop or Bishop, such Deed, and Certificate of such Consent, to be enrolled as aforesaid, and under the Rules and Limitations of *Stat. 2 Ann. c. 10.* may grant any Quantity of

of Land, belonging to his Arch-bishoprick or Bishoprick, not exceeding 40 Acres Plantation-measure, as a Glebe for the Incumbent or Minister of any Parish, having Cure of Souls.—Provided, such Quantity of Land so granted, together with all other Glebe to such Incumbent before belonging, shall not exceed 40 Acres Plantation-measure.

20 Provided, where 2 or more Ecclesiastical Benefices are united, in pursuance of any Act of Parliament, or by Episcopal Union, no Person, during the Continuance of the said Union, shall endow more than one of the said Churches, to any such Union belonging, with any Portion of Glebe; saving, that any Person before-mentioned, may grant to any Arch-bishop or Bishop, and his Successors, any Quantity of Land, not exceeding 10 Acres, for the Use of a Resident Curate of any Church or Chappel of Ease, wherein Divine Service shall be constantly performed, so as all the Glebe-land belonging to any Parish or Mother-church, in any Union, and also to the Chappel of Ease to any such Parish or Mother-church belonging, shall not, in the whole, exceed 60 Acres Plantation-measure.

Ante, f. 1, 3, 13, 17. Post, f. 23, 27, 36. 40.
where Benefices are united one only can be endowed.

21 If any Incumbent or Minister, having actual Cure of Souls, shall tender a Certificate, under the Hand and Seal of the Arch-bishop or Bishop of the Diocess, to the Trustees of the First-fruits, by 2 Geo. 1. c. 15. or to such Number of them, duly assembled, as have Power by Law to act, that he hath built upon the Glebe of his Benefice, a convenient Dwelling-house, covered with Shingles, Slates or Tiles; the said Trustees, &c. at their Discretion, out of their Fund, may pay any Sum not exceeding 100 l. to such Incumbent, his Executors, &c. — Provided, such Sum so paid, shall not be comprized in any Certificate, by any Arch-bishop, &c. given for any

Allowance to an Incumbent building.

Such Grantees not to be Freeholders.

Sum

Sum by such Incumbent expended in Buildings or Improvements; in pursuance of the said *Stat. 10. Gul. 3. c. 6.* — Provided, no Land granted as aforesaid, for the Use of any Ecclesiastical Person, shall make him, or any deriving under him, a Free-holder, to any Intent or purpose of Law whatsoever.

Post, f. 43.
further continued.

10 Geo. 1. c. 4. pars. The Stat. 2 Ann. c. 10. 24
for the Exchange of Glebes, is hereby continued to the 21st of September, 1731. and to the End of the next Session.

Deans and Chapters may endow Vicarages, &c. with Glebe.

Ante, f. 5, 13, 17, 19.
Post. 27, 36, 37, 40.

10 Geo. 1. c. 6. pars. All Deans and Chapters, with the Consent of the Arch-bishop of the Province, and Bishop of the Diocese, certified under their Hands and Archiepiscopal and Episcopal Seals, may endow any Vicarage or Curacy in any Parish, the Church whereof is appropriate to them belonging, with a convenient portion of Glebes or Tythes, or both belonging to such Dean and Chapter in such Parish, and also with like Consent may augment such Endowments as have been already made for the Support of a proper Vicar or Curate for performance of Divine Service, and Cure of Souls, within the same, saving to the then Tenants, their Rights during their Leases.

Where several Deans and Chapters, consent of one sufficient.

Where there are several and distinct Deans and Chapters, the consent of such Dean and Chapter, of which the respective Dignitaries or Prebendaries endowing or augmenting the Endowments of such Vicarage or Curacy as aforesaid, are Members to the making such Endowments, or augmenting such Endowments, shall be as valid as if the several and distinct Deans and Chapters of such Diocese had consented thereto.

Ecclesiastical Persons may exchange Rectories, Vicarages, Tythes.

Every Arch-bishop and Bishop, with the consent of the Chief Governor and Privy-Council at least consenting, and every Dean, with the consent of the Arch-bishop or Bishop of the Diocese

cess, and of the Chapter, and every Archdeacon, Dignitary and Prebendary, with the consent of the Arch-bishop or Bishop, and Dean and Chapter, whereof such Dignitary or Prebendary is a Member, and where there are no Deans, and Chapters, with the consent of the major part of the Clergy at their Visitations, may exchange any Rectory, Vicarage, or Portion of Tythes, to such Archbishoprick, Bishoprick, Deanry, &c. belonging, for any Portion of Land of the same value, the same to be settled and remain to such Archbishop, Bishop, Dean, Archdeacon, Dignitary, or Prebendary, and his Successors, who are hereby enabled to take and retain the same. — Provided such Rectory, Vicarage or Portion of Tythes so exchanged shall be settled upon and remain to such Person as shall have the actual Cure of Souls, in the Parish whereof the Rectory, Vicarage or any portion of Tythes shall be so exchanged saving to the then Tenants thereof all their Rights during their Leases.

Provided, the *Stat. 2. Geo. 1. c. 14.* (which see under *Tit. Parish-churches*) and every matter therein contained and not hereby repealed, and this Act, shall continue in force for ten Years from the 2d of *February 1723* and to the end of the next Session.

1 Geo. 2. c. 15. pars. Any Person seized of an Estate Tail, in Possession in any Lands, by Deed may grant such Lands as a Glebe for the Incumbent or Minister of any Parish, having actual Cure of Souls, in such Manner, and under such Restrictions as he might have done by virtue of *Stat. 15. Car. 1. c. 11.* or *Stat. 8. Geo. 1. c. 11.* if he were seized in Fee, and all Grants so made, shall be good in Law against all Persons claiming under such Entail, or any Remainder or Reversion expectant thereupon.

H

Any

Ante, f. 2, 7.
Post, f. 45.

Tenants in
Tail may
grant Glebe.
Ante, f. 1, 5,
13, 17, 19,
23. Post. f.
36, 37, 40.

Who may
grant Lands
in Trust.

Any Person who, by virtue of the said Acts, 31 may make any Grant of Lands as a Glebe for the Incumbent or Minister of any Parish having actual Cure of Souls, may grant Lands to any Person and his Heirs, in Trust for any Curate or other Ecclesiastical Person having actual Cure of Souls, in any appropriate or inappropriate Benefice, and their Successors, as by this or the said Acts are provided, concerning Grants of Land as a Glebe for any such Incumbent or Minister, as aforesaid.

Remedy for
Rent in Ar-
rear.

If a Year's Rent of the Lands granted, in 32 pursuance of this or the said Acts, shall be behind, for 21 Days, the Person to whom the same is due, may apply to the Archbishop or Bishop of the Diocese, who shall summon the Party before him, and if such Ecclesiastical Person so in Arrear and summoned shall not make it appear on Oath of one or more Witnesses, that such Rent hath been paid, the Archbishop or Bishop shall forthwith sequester the Profits of such Benefice or Curacy where such Lands are so granted for a Glebe, until the said Arrear of Rent, and all Costs and Charges attending the sequestration, to be ascertained by the Archbishop or Bishop, be discharged.

Arrear to be
paid by the
Successor.

If such Arrear, or any Part thereof, and the 33 Costs and Charges attending the sequestration, shall remain unpaid notwithstanding such Sequestration, at the Death, Cession or Removal of such Ecclesiastical Person, the same shall be paid by the Successor; and if he shall neglect or refuse to pay the same for one Calendar Month next after his Admission into such Benefice, the Archbishop or Bishop upon Complaint and Proof thereof on Oath, shall grant a new Sequestration till every Part thereof be discharged; and such Successor paying such Arrears, Costs and Charges, may recover the same from his Predecessor,

- cessor, his Executors or Administrators, by Action of Debt, in any his Majesty's Courts of Record at *Dublin*, in which no Essoign, &c. shall be allowed.
- 34 To the Intent that the Successor may not be charged with more than one whole Year's Rent, the Rector or other Ecclesiastical Person, at the ordinary Visitation held for the Diocess, shall annually exhibit unto the Archbishop, Bishop, or his Official holding the Visitation, a sufficient Acquittance in full for all Rents and Arrears due out of the Premises the last Rent Day before the Visitation, and prove the perfection of such Acquittance by the Oath of a Witness; and if such Acquittance be not exhibited and proved, the Archbishop, &c. shall sequester the profits of such Benefice where such Lands are so granted for a Glebe, and the same keep sequestered until out of the profits thereof he shall be enabled to pay all Arrears due at the Rent-Day aforesaid, with the Costs and Charges of such Sequestration; which Arrears he shall forthwith pay.
- 35 If such Rector, &c. shall neglect or refuse to build or make such Improvements as shall be convenanted in such Deed of Grant, within the Time limited therein for doing thereof, the Archbishop or Bishop on complaint or otherwise, may sequester so much of the profits of such Benefice; and for so long Time as he shall judge necessary for the making and compleating such Building and Improvements, and therewith shall cause the same to be so made and compleated.
- 36 If any Rector, &c. shall have no other Benefice than that to which such Lands so granted for a Glebe do belong, such Rector, &c. shall not demise or set the said Lands so granted, or any part thereof, to any person whatsoever, but shall himself hold and occupy every part of the said Lands.

The Rector
to exhibit an
Acquittance
to the Bishop;
&c.

Neglecting to
make Im-
provements,
Profits may be
sequestered.

Where the
Rector shall
not Demise
the Lands
granted.

Curate in absence of Rector to have the Profits.

If such Rector, &c. shall have another Benefice, the Curate officiating in his Absence shall enjoy the Benefit of such Lands granted, for a Glebe, with the Improvements thereon, under the Rent reserved, and shall hold and occupy the same himself during the Absence of such Rector, &c. over and above his Stipend or Allowance appointed for such Curate. 37

Rectors, &c. to build on Benefices, worth 150 l. or the remedy.

Every Rector, &c. hereafter admitted into any Ecclesiastical Benefice of the value of 150 l. *per Annum*, or upwards, having no House fit for the Residence of the Incumbent thereof, and being endowed with Glebe-land lying near his Parish-church, and convenient for Building, shall within a time certain appointed by the Archbishop or Bishop, after he has been two Years in possession of such Benefice, build and improve upon such Glebe-land, by erecting one Dwelling-house of Stone and Lime, or Brick and Lime, and timbered in the Roof and Floors with Oak or Fir-timber (Bog-oak excepted) and covered with Slates, Shingles or Tyles; and if such Rector or Vicar shall neglect to make such Building and Improvement within the time so limited, the Bishop of the Diocese, with the consent of the Archbishop of the Province first had under the Archiepiscopal Seal; and if the Benefice be within the Diocese of an Archbishop, then the Archbishop with the consent of the Chief Governor under Hand and Seal, may sequester a fourth part of the Profits of such Benefice, till a Sum not exceeding a Year and a half's Income of such Benefice be received, which the Archbishop or Bishop shall cause to be laid out in making such Building and Improvement upon such Glebe. 38

Ecclesiastical Persons may endow with 20 Acres. where the Church has but 10. *Ante. f. 5. 13, 17, 19, 23, 27. Post. f. 40.*

Every Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Dignitary or Prebendary, having Land to them as such belonging, near any 39

any Church, and convenient for a Glebe for the said Church, not endowed with ten Acres of Glebe (that is to say) every Archbishop or Bishop, with the consent of his Dean and Chapter, signified by Certificate in Writing under their common Seal; and where there is no Dean and Chapter, with the consent of the Archdeacon and six beneficed Clergymen of the Diocese, signified in Writing under their Hands and Seals, and every Dean, Dean and Chapter, Archdeacon, Dignitary or Prebendary, with the consent of the Archbishop or Bishop of the Diocese, signified by Certificate under their Archiepiscopal or Episcopal Seals, may grant any Quantity thereof, not exceeding 20 Acres Plantation Measure, by any Deed to be enrolled in *Chancery*, to any Person and his Heirs in Trust for any such resident Curate, officiating in any appropriate or inappropriate Benefice nominated or licensed for the Cure of Souls in any such Parish, and his Successors, at the Moiety of the present yearly Rent or any greater Sum, which Rent shall be paid by such resident Curate having Cure of Souls and his Successors, to such Archbishop, &c. by four quarterly equal portions, and upon Non-payment, the Archbishop, &c. may distrain or sue for the same and all Arrears thereof.

- 40 All Deans and Chapters having Lands be- *Ante. f. 1. 5.*
 longing to them as a Body-politick near any *13, 17, 19,*
 Church, and convenient for a Glebe for the said *23, 36, Post.*
 Church not already endowed with ten Acres of *f. 40. Deans*
 Glebe, with the consent of the Archbishop or *and Chapters*
 Bishop of the Diocese to which such Dean and *may endow*
 Chapter belong, at any time during the con- *with 20 Acres*
 tinuance of *Stat. 2. Ann. c. 10.* which is con- *where but 10*
 tinued by *Stat. 10. Geo. 1. c. 4.* to the *21st.*
 Day of September, 1731. (*See Post. §. 43. fur-*
ther continued) may grant any Quantity thereof,
 not exceeding 20 Acres Plantation Measure, to
 the Rector or Vicar and their Successors, or to

any Person and his Heirs, in trust for such Curate or Ecclesiastical Person, having actual Cure of Souls, and their Successors, at such Rent so payable, and with power to recover the same as by 2 *Ann. c. 12.* is provided for Bishops, &c. and the said 20 Acres or lesser Quantity of Lands so granted by such Dean and Chapter, shall be taken to be the Glebe of the Incumbent of the said Parish-church and his Successors, to whom it is granted.

Rector building to be allowed by his Successor
Ante. s. 12.

Every Rector, &c. who shall build or improve on any Land granted for a Glebe in pursuance of this Act, for which a Certificate shall be obtained as is appointed by 12 *Geo. 1. c. 10.* such Rector, &c. his Executors, or Administrators shall have and receive from his next and immediate Successor, three fourth Parts of the Sum certified, and such Successor having paid the three fourth Parts of the Sum so certified, his Executors or Administrators shall receive two thirds thereof, that is, one Moiety of the Sum first certified, from his next Successor, which Successor having paid the said Moiety, his Executors or Administrators shall receive from his next Successor one Half thereof, that is, one fourth Part of the Sum in the first Certificate mentioned; all which Sums shall be paid and recovered within the times, and in the same manner as the Sums to be paid and recovered by 10 *Gul. 3. c. 6.* are directed.---Provided no Rector, &c. shall be obliged to pay his Predecessor, his Executors or Administrators, by vertue of any Certificate, for building and improving such Glebe or Demesne granted in pursuance of this Act, any more than the clear yearly Value of one Year and a half's Income so limited as aforesaid.

Tenants for life may grant Glebe.

3 *Geo. 2. c. 12.* Any Person seized of an Estate for Life in Possession of any Lands with immediate remainder over to his Issue, may by Deed grant any part of such Lands not exceeding

ing

ing 20 Acres plantation Measure, and being no part of the demesne Lands usually occupied with, or reputed as Demesne to the Mansion-house of such Tenant for Life as a Glebe for the Minister of any Parish, having actual Cure of Souls, and his Successors, or to any Person and his Heirs in Trust for any Curate or Ecclesiastical Person having the actual Cure of Souls, in any appropriate or inappropriate Benefice and their Successors, at the yearly Rent to be ascertained as herein after directed, in as ample manner as if the Person granting had been seized in Fee-simple, and such Grant shall be good against all Persons claiming any Remainder or Reversion expectant upon the said Estate for Life.

- 44 Provided, that where any such Grant shall be made, the Sheriff of the County at the request of the Archbishop of the Diocese, and also of the Grantor, and Grantee, is to enquire by the Oaths of 12 Free-holders of the said County, of the time and place of which enquiry, notice shall be given at some preceding County-Court, and likewise upon the Oaths of such credible Witnesses, as shall be produced by either Party, of the full yearly value and quantity of the Lands to be granted, which Oaths the Sheriff is to administer, and the said Sheriff is to return the said yearly Value so found, with the Mears and Bounds thereof, to the Archbishop or Bishop of the Diocese who shall procure the said Return, Certificate and Deeds of Grant, to be recorded in the *Exchequer*, in the first *Remembrancers-Office*, for which Inquest and Return, the Sheriff shall receive 10 s. Fees, and the said Remembrancer shall put the same on Record, and for the recording such Inquest, &c. shall receive 6 s. 8 d. both Sums to be paid by the Grantee, which said Value shall be for ever after the Rent payable out of the said Lands. And

Inquest to be
held of the
value
Ante. f. 4.

the said Inquest, &c. to be recorded, shall bind the Grantor, and all others claiming any Title or Interest in the said Lands or any part thereof in Reversion, Remainder or Expectancy, by, from, or under him, or under any Settlement of the said Lands, or any part thereof.

The Lands so granted shall thenceforth be 45
Glebe or Demesne Lands, belonging to the said Parish, and subject to, and regulated by all former Laws made concerning the endowing Churches with Glebe, for the encouragement of the building of Houses, and making other Improvements on Church-lands, to prevent Dilapidations, and for the better enabling Clergy having Cure of Souls to reside on their Benefices, as fully as if the said Laws had been herein particularly mentioned.

Grantees and
their Successors to perform all Covenants.

Every Ecclesiastical Person, to whom or to 46
whose use such Grant shall be made, and their Successors for ever, shall perform all the Covenants, Agreements, Payments of all Rents and Arrears of Rent, and for building and improving on said Lands, as are required by any of the said Laws.

5 Geo. 2. c. 6. pars. The stat. 2. Ann. c. 47
10. is hereby continued for 21 Years from the end of this Session, and to the end of the next Session.

Glebes may
be exchanged.

Ante. d. 2, 7,
25.

Provided, that during the said Term, any 48
Dean, &c. or other Person having Cure of Souls may exchange with any Archbishop or other Person, such Glebe or any part thereof, as is inconveniently situated for Land of equal Value more conveniently situated, tho' not so near the Church, according to the directions of 2 Ann.

49 7 Geo. 2. c. 7. *pars.* The Chief Governors, Chief Govern-
 with the Assent of the major part of the Privy- nor, &c. may
 council, 6 at least consenting, and with the Ap- unite and se-
 probation of the Archbishop of the Province, parate
 and the Bishop of the Diocess, certified under Parishes and
 their Hands and Archiepiscopal and Episcopal Glebes.
 Seals, with the Consent of the respective Patrons
 and Incumbents, certified under their Hands
 and Seals, attested by 2 or more credible Wit-
 nesses, as directed by 2 Geo. 1. c. 14. In case
 of separating or uniting Parishes, and erecting
 new ones, made by virtue of the said Act, may
 also separate or unite the Glebes of such Parishes
 so separated or united, and annex the same or any
 part thereof to such separate or united Parishes,
 which shall be erected into new Parishes, or uni-
 50 ted to others. ——— All Divisions and Separations
 or union of Glebes heretofore made, or
 hereafter to be made by this or 2 Geo. 1. c. 14.
 or 10 Geo. 1. c. 6. where the said Glebes or any
 part of them have been, or hereafter shall be an-
 nexed to any new erected Parishes, or united to
 others, shall be valid in Law, and the Glebe so
 annexed, shall be deemed the Glebe of such
 new erected or united Parishes, and the Incum-
 bents of such new erected or united Parishes shall
 enjoy the said divided and separated or united
 part of the said Glebe annexed to such new erec-
 ted or united Parishes, in as ample manner, as
 if such Parish had been an old Parish, and as if
 such proportion of Glebe had been always enjoy-
 ed as the Glebe of such new erected or united
 Parish, or Parishes. 2 Geo. 1. cap. 14. and 10
 Geo. 1. cap. 6. made perpetual by 13 Geo. 2d.
 cap. 4.

Hearth.

13 & 14 Car. 14 & 15 Car. 2. Sess. 4. cap. 18. By this Act Hearths, or Stoves, within the Site of any College, Hospital, or Alms-houses are exempted from Hearth-money.

16. Car. 2. 17 & 18 Car. 2. Sess. 5. cap. 18. By this Act no Houses or Edifices, within the Site or Precinct of any Cathedral or Collegiate Church, shall by the aforesaid Act be discharged of the Duties thereby, or by this Act, payable to the King.

Heretico comburendo.

29 Car. 2. c. 7 Gul. 3. Sess. 1. c. 2. The Writ *De heretico comburendo*, with all Process and proceedings thereupon, to be from henceforth utterly abolished.—But nothing in this Act is to extend to take away or abridge the Jurisdiction of Protestant Archbishops or Bishops, or any other Judges of any Ecclesiastical Courts, in Cases of Atheism, Blasphemy, Heresy or Schism, or other Damnable Doctrines; but that they may proceed to punish the same, according to the Ecclesiastical Law (not extending to Death) in such sort and no other, as they might have done before the making of this Act.

High-ways.

2 & 3 p. &
M. c. 8. En.
Haw. p. 1.
tit. High-
ways.

11, 12. and 13. Jac. 1. c. 7. The Constables and Church-Wardens of every Parish shall yearly, upon *Tuesday* and *Wednesday* in Easter Week, call together a Number of the Parishioners, and shall then chuse two honest Persons of the Parish, to be Surveyors of the Highways, Cawsways and Places in their Parish, leading to any Market-Town; and these Officers shall have authority to order and direct the Persons and Carriages (that shall be appointed for these Works)

Works) by their Discretions. And shall take up-
on them the Execution of their said Offices, in
pain of 10 l.

2 The Constables and Church-Wardens, shall ^{Enlarged to}
then also appoint 6 Days for amending the said ^{the 1st of Aug.}
High-ways, &c. before the Feast of St. *John* ^{Baptist}.
Baptist then next following, of which Days they
shall give notice openly in the Church the *Sun-*
day after Easter, which Days the Parishioners
shall observe and repair to the Amendments
and clearing of the same,

3 1 *Geo. 2. cap. 13.* The time for repairing the
Highways being appointed by 11 *Jac. 1.* from
Easter Day to St. *John* Baptist, the same is here-
by enlarged to the first Day of *August*.

4 Overseers of the High-ways within the re-
spective Parishes shall be appointed on *Tuesday*
or *Wednesday* next after *Michaelmas*-day in every
Year, and such Overseers may execute the same
Powers as if named in Easter Week, and a Ves-
try shall be called and held yearly in every Parish
on *Tuesday* or *Wednesday* after *Michaelmas*-day
for that Purpose; and if the Parishioners neglect
at the Time aforesaid to name Overseers, the
Grand-jury at the Quarter-Sessions, or if
they neglect, the Grand-jury at the next Assizes
may appoint Overseers and apply the six Days
Labour, as the Parishioners and Overseers ought
to have done.

5 The Parishioners of every Parish in their Ves-
try, when they appoint Overseers, in like man-
ner, may appoint a Director, with Wages not
exceeding 2 s. 6 d. *per diem* to be raised as other
Parish-cesses are raised, so as the Sum for such
Director does not exceed 40 s. in any one Year.

A Director
may be ap-
pointed, and
his Wages.

12 *Car.* 2. c. 30. *En.* The 30th of *January* (unless it fall upon the Lord's Day) then the next Day, to be kept for ever, in all Churches and Chappels of *England, Ireland, &c.* as a Day of Fasting and Humiliation for the murther of King *Charles* the 1st. confirmed by 13 *Car.* 2. c. 7. *En.*

12 *Car.* 2 c.
14. *En.*

14 & 15 *Car.* 2. *Sess.* 4. c. 1. *En.* All Ministers of God's Word, and Sacraments in every usual place of divine Service, and publick Prayer, within this Realm, shall in all succeeding Ages, annually celebrate the 29th of *May*, rendering Praises and Thanksgiving unto Almighty God, for the Restauration of the King: And all Persons shall on that day forbear all bodily Labour, and the Exercise of their Trades.—³ Upon this Day all Persons within this Kingdom, are to resort to some Parish Church or Chappel, or publick place allowed by Authority, where such Thanksgivings and Praises to God shall be rendred; and there orderly abide during the time of the performance thereof.—And every⁴ Minister, Parson and Curate shall give notice to his Parishioners publicly, in the Church at Morning-prayer the Lord's day next before every such 29th of *May*, for the due Observation thereof; and shall read this Act to the People.

14 & 15 *Car.* 2. *Sess.* 4. c. 23. The 23d. of *October* to be kept an Anniversary Holy-day in this Kingdom for ever; and all Persons at that Day, to forbear all bodily Labour, and the Exercise of their Trades; and all Ministers in every Cathedral and Parish-church, and other usual places for Common-prayer, shall always upon that Day say Morning-prayer, and give thanks to God, for that most happy Deliverance, and Preservation from the traiterous Rebellion intended to be acted on that Day in the Year 1641. against King *Charles* the First, and this whole Kingdom;

Kingdom; and all Persons inhabiting within this Realm, shall yearly upon that Day diligently resort to the Parish-church or Chappel accustomed, or to some other, where the said Morning-prayer, Preaching or other Service of God shall be used, and there abide orderly during the time thereof.

6 And every Minister shall give warning to his Parishioners publickly in the Church at Morning-prayer the Lord's-day next before every such 23d. of *October*, for the due Observation of the said Day. And after the Morning-prayer or Preaching, upon every such Day, they shall publickly and distinctly read this present Act.

7 7 **Gul.** 3. *Seff.* 1. c. 14. Every com- 5 *6 E. 6c.*
mon Labourer (being hired) or other Servant 3. *En.*
retained, that shall refuse to work upon any other Day than the several Days after mentioned, (being thereunto required) upon usual wages, That is to say, all *Sundays* in the Year, the Day of the *Circumcision of our Lord Jesus Christ*, *Epiphany*, the *Conversion of St. Paul*, the *Purification of the blessed Virgin Mary*, *St. Matthias*, the *Annuntiation of the blessed Virgin Mary*, *St. Mark*, *St. Philip*, and *St. Jacob*, *St. Barnabas*, the *Ascension of our Lord*, *Nativity of St. John Baptist*, *St. Peter*, *St. James*, *St. Bartholomew*, *St. Matthew*, *St. Michael*, *St. Luke*, *St. Simon* and *St. Jude*, *All Saints*, *St. Andrew*, *St. Thomas*, the *Nativity of our Lord*, *St. Stephen*, *St. John*, the *Holy Innocents*, Monday and Tuesday in *Easter-Week*, Monday and Tuesday in *Whitson-Week*, the three and twentieth Day of *October*, fifth of *November*, thirtieth of *January*, and the twenty-ninth Day of *May*, yearly, and that no other Day except the Days aforelaid, and such (as on some extraordinary Occasion) shall be set apart by Order of the King, His Heirs and Successors, or the chief Governors of
this

this Kingdom, shall be kept Holy or to abstain from lawful bodily Labour ; every such Person so refusing (being thereof lawfully convicted by his own Confession, or by the Testimony of one or more Witness or Witnesses upon Oath) before any Justice of the Peace in any County, Mayor or other chief Officer where the Offence shall be committed, or the Offender apprehended, shall forfeit 2 s. to be paid at such time, or to such Person, as by the said Justice or other chief Officer shall be appointed, to be disposed of to the use of the Poor of the Parish where the Offence shall be committed ; and upon refusal or neglect of Payment, then the said Justice, &c. to commit such Offenders to some Constable or other inferior Officer of the County, or City, Town or Corporation, where the Offence shall be committed, or the Party apprehended, to be publicly whipped, which is to be inflicted and executed within 24 hours after such Order made.

And if the Constable or inferior Officer aforesaid, do not by himself or some other execute the said Punishment ; then in such Case, the said Justice and all and every other Justice and Justices of the Peace, or other chief Officer, &c. (upon sufficient Information thereof) may bind them over to the next general Quarter-sessions of the Peace, or General-Assizes, or Goal-Delivery, which shall first happen, there to be proceeded against for such Contempt ; and if found Guilty (upon Examination of one or more Witnesses) the Offender to be fined at the Discretion of the Court, not to exceed 20 s. for every such Offence.

No Justice of the Peace, or Head-officer, &c. shall execute this Statute for any Offence done to himself, or whereof Complaint is not made within 10 Days after such Refusal to work as aforesaid. — All Justices of Assize and 10 Goal-

Holy-Days.

111

Goal-delivery, are required to give this Act in charge at every Affizes, or Goal-delivery within the severall Counties of their Circuits; and to enquire, hear and determine the neglect of all Justices of the Peace and others in their due Execution of this Statute.

Hospitals.

1 2 Hen. 5. Stat. 1. c. 1. En. The Ordinary shall have power to enquire of, and reform the Foundation, Estate and Government of Hospitals, viz. those of the King's Patronage or Foundation, by Commission, and shall return the Inquisitions thereof into the Chancery; but for those of others, he shall do it, *ex officio*.

2 3 Geo. 2. c. 23. Doctor Steeven's by his Will devised all his real Estate for the building (after the Decease of his Sister) an Hospital in Dublin, for maintaining and curing sick and wounded Persons, *Esther Johnson* Spinster, by her Will, dated the 30th of December, 1727. devised 1000 l. to purchase Lands for the maintenance of a Chaplain for the said Hospital, Colonel *Alexander Montgomery* by his Will, dated the 4th of July, 1727. devised a Field and right of Commonage in *Dolbin's-barn*, to the use of the said Hospital: And by this Act which is a publick Act, the Lord Primate, Lord Chancellor, &c. are constituted a Body Corporate to execute the Will of the said Doctor Steeven's and are to be Governors thereof.

Incontinency

Incontinency of Priests.

1 Hen. 7. c. 4. En. The Ordinary shall punish Priests, Clerks, and religious Men, for Incontinency, by Imprisonment, according to the Quantity and Quality of their Trespas.

Incumbent.

13 Ric. 2. c. 1. En. The Statute *de Clero*, **25 E. 3. c. 3.** touching the Examination of the King's Title to the Benefice, when he presenteth in another's Right, is confirmed: Which see in Advowson. — When the King presenteth to a Benefice full of an Incumbent, his Presentee shall not be received by the Ordinary, until the King hath recovered his Presentment by Law. — If the King's Presentee be received, and the Incumbent put out without Process, the Incumbent shall begin his Suit within a Year after the Induction of the said Presentee.

4 Hen. 4. c. 22. En. Where an Incumbent is put out without due Process, he shall be at large to sue for his Remedy by the Statute of **13 R. 2. c. 1.** at what time he pleaseth within or after the Year.

Indicavit.

34 Ed. 1. En. No Writ of *Indicavit* shall be granted before the Suit hanging in the Spiritual Court between the Parties, be recorded, and that the Lord Chancellor be certified thereof by the Sight of the Libel.

Inventory

- 1 28 Hen. 8. c. 18. Executors or Administra- 21. Hen. 8.
tor, calling or taking to them two or more Cre- c. 5. En.
ditors or Legatees (if there be any) or upon Raym. 470.
their Refusal or Absence, two other honest Per-
sons of the next Kin to the deceased, or in their
Default or Absence, two other honest Persons, shall
in their Presence make or cause to be made a true
Inventory of all the Goods, Chattles, Wares,
Merchandizes, as well Moveable as Immove-
able whatsoever; and the same Cause to be in-
dented, one part whereof shall be delivered in
by them upon Oath, before the Ordinary, or o-
ther Person, having Power to take Probate of
Testaments, unto the Ordinary, &c. to remain
with him; and the other part thereof to remain
with the Executors or Administrators.
- 2 And no Ordinary or other Person having pow-
er to take Probates, &c. upon pain in the Statute
contained, viz. 10 l. Irish, one Moiety to the
King, and the other to the Person grieved, to
be recovered in any of the King's Courts, by
Action of Debr, &c. wherein no Effoin, &c.
shall be allowed) shall refuse to take such Inven-
tory to him presented, or cause any other to be
made (if the said Inventory be presented to him
or them, or intended to be delivered in Form
aforesaid) in which Inventories all Corn and Cat-
tle shall be rated and valued, at such price as
hath been used to be valued and praized within
the Diocess of Meath, in every such Inventory of
Persons deceased.
- 3 Lands, Tenements, &c. devised to be sold, Dyer. 264.
or the Money gotten for the same, or the Pro- Fitz. Exec. 1.
fits of the said Lands, for any time to be taken, 37. 51.
shall not be accounted as any part of the Goods
and Chattles of the Person deceased.

14. *Ed. 3. Stat. 1. 5. En.* A Prelate, two Earls, and two Barons, shall have power by the King's Commission to hear (by Petition) Complaints for delay of entring Judgments, and to call before them the Justices, and Records whereof such Complaint shall be made, and calling to them the Chancellor, Treasurer, the Justices of the one Bench or the other, and others of the King's Council as many as they shall think fit) shall give Judgment thereof, and then the Records shall be remanded together with the Judgment, which shall be immediately entred accordingly.

——— In case the Matter be too difficult, it shall be referred to the next Parliament to be determined.

Jurisdiction.

Artic. Cler. 9. Ed. 2. c. 6. En. When a Case is debated upon different (a) Reasons in the Spiritual and Temporal Court, as in the Case (b) of laying violent Hands upon a Clerk, which see *tit. Prohibit. Sect. 5.* and hath Judgment in the Spiritual

(a) This Statute is translated wrong in *Keeble*, as appears by comparing it with the Original, which I have pursued.

The Reason assigned by my Lord Coke, why the Temporal Court may discuss the same Matter, is; For that the Spiritual Judges Proceedings are, for the Correction of the Spiritual inner Man, and *pro salute animæ*, to injoin him Penance, and the Judges of the Common Law, proceed to give Damages, and Recompence, for the Wrong and Injury done.

(b) In the Case of laying violent hands upon a Clerk, the Spiritual Judge, *pro salute animæ*, shall injoin him Penance, and the Clerk may have his Action of Battery, and recover Damages for the Injury done him, and so in the Case of Usury and the like, 2. *Inst.* 622.

Spiritual Court, yet the King's Court may discuss the same Matter, as it shall think expedient (c).

- 2 Stat. pro. Clero. 25. ED. 3. Stat. 3. c. 8. En. Cognizance of Avoidance of Benefices belongs to the Ecclesiastical Judge, and not to the Temporal.

Juris Utrum.

- 1 West. 2. 13. ED. 1. c. 24. En. A Writ of *Juris Utrum* shall be granted, to try whether free Alms belong to one Church or another, in case where they are transferred from one Church to another.

King.

- 1 28 Hen. 8. c. 23. The King shall have to Him, His Heirs and Successors as annexed, and united to His and Their imperial Crown of *England*, all the Parsonages and Churches of *Dongarvane, Rennegenagh, Kinsalbege, Arglass, Glassmore, Amane, Whitchurch, Templeavin, Aview, Kilronane, Rosmore and Lysgenaue*, and all their Emoluments and Hereditaments whatsoever.

Law Proceedings.

- 1 13 Car. 2. sess. 1. c. 2. No Proceedings in Law or Equity since the 23d of *October, 1641.* 12 Car. 2. 6. shall be avoided for want of legal Power in the Judges, or for being in the Name of *Custodes libertatis Angliæ*, &c. Fines levied after the time, shall be good notwithstanding the want of certain

I 2

Forms,

(c) If Issue be joined, whether a Church be void by Cession, Deprivation, or Resignation, it shall be tried by the County, because it is a thing mix'd, for the Avoidance is Temporal, and the Deprivations Spiritual. *Moor. 61.*

Law Proceedings.

Forms, and Securities, &c. given to *Oliver* or *Richard Lord Protector*, to be prosecuted in the King's Name, Proceedings in any Part of *Ireland*, to be removed into *Chancery*, and Parties aggrieved, may be redressed there by Petition, &c. Non-claim upon Fines hereby confirmed, to be no Bar other than to the Parties and their Heirs and Trustees, as to the Lands sold by Colour of any Act of either the then Houses, as belonging to the King or Ecclesiastical Persons, or, as belonging to *Protestants* adhering to King *Car. 1.* or *Car. 2.* so as they prosecute their Claim within 5 Years after the 29th of *May*, 1660. All Indictments and Outlawries of High Treason against the usurped Powers, to be void.

12 *Car. 2. c. 3. En.* 13 *Car. 2. sess. 1. c. 3.* Proceedings at Law not to be discontinued by reason of not keeping *Trinity, Michaelmas* and *Hilary-Term*, 1659, and *Easter-Term*, 1660.

9 *Gul. 3. sess. 1. c. 38.* Proceedings in inferior Courts which can hold Plea but of 40s. may be in *English*, and shall not be vacated for that or other Defect in Form, if removed by Writ of false Judgment or otherwise.

4 *Gul. 2. cap. 26. En.* 11 *Geo. 2. cap. 6.* From the first of *January*, 1738. all Writs, Process, and Returns thereof, and Proceedings thereon, and all Pleadings, Rules, Orders, Indictments, Informations, Inquisitions, Presentments, Verdicts, Prohibitions, Certificates, and all Patents, Charters, Pardons, Commissions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines, and Recoveries, and all Proceedings relating thereunto, and all Proceedings of Courts-Leet, Courts-Baron, and Customary-Courts, and all Copies thereof, and all Proceedings whatsoever in any Courts of Justice in this Kingdom, which concern the Administration of Justice,

stice, shall be in *English*, and not in any other Language, and shall be written or printed in a common legible Hand, and not in *Court-hand*, with the like Way of writing or printing, and with such Abbreviations as are now commonly used in the *English* Language, and with the like Manner of expressing Numbers by Figures as are commonly used in the said Courts; and any Person who shall write or print any of the said Proceedings or Matters in *Court-hand*, or in any Language except the *English*, shall for every such Offence forfeit 20 l. to any Person suing by Action of Debt, &c. in any Court of Record in the Four-Courts, *Dublin*, wherein no Essoign, &c. shall be allowed.

5 Provided such penalty shall not extend to the expressing the proper or known Names of Writs, or other Proceſs, or technical Words, in the same Language as hath been commonly used, so as they be written or printed in a common legible Hand, and not in *Court-hand*; Prosecutions on this Act to be in three Months after the Offences committed.

6 Provided that the Officers in the Offices of the King's and the Lord Treasurer's Remembrancer, otherwise called the Offices of the First and Second Remembrancer, and the Offices of the Clerk of the Pipe, and the Clerk of the Estreats in the *Exchequer*, may write and send out in Proceſs for his Majesty's Service, Rolls or Schedules of all such Debts as have been forfeited and became due to his Majesty before the said 1st of January, 1738. as usual, provided the Proceſs to be annexed to the said Rolls or Schedules be in *English*, and in a common legible Hand, and according to the Directions of this Act.

Mistranslation, Variation in Form, by Trans-⁷lation, Mispelling, or Mistake in Clerkship, or Pleadings or Proceedings begun before the said 1st of *January*, 1738. being part in *Latin* and part in *English*, shall be no Error, nor make void any Proceedings, but such Errors and Mistakes may be amended whether in Paper or on Record, or otherwise, before or after Judgment, upon Payment of reasonable Costs.

Provided that nothing in this Act shall extend⁸ to certifying beyond the Seas any Proceedings in the Court of Admiralty, which may be as usual.

All Statutes for reforming and amending the⁹ Delays arising from *Jeofails*, shall extend to all Forms and Proceedings in Courts of Justice, except in Criminal Cases, when the Forms and proceedings are in *English*, and every Error and Mistake which might be amended by any Statute of *Jeofails* if the proceedings were in *Latin*, all Errors and Mistakes of the like Nature when the Forms are in *English*, shall be amended by the Statutes of *Jeofails* now in Force; and this Clause shall be construed in all Courts of Justice in the most beneficial Manner for the Ease of the Parties, and to prevent frivolous and vexatious Delays.

This Act shall not extend to the Court of the¹⁰ Receipt of his Majesty's *Exchequer*, or to any Proceedings therein, or to any Members or Branches thereof.

The said Court of Receipt, and the Mem-¹¹bers thereof, and their Under-Officers, Deputies, and Clerks, shall carry on their Business according to the usual Course and ancient Method, as if this Act had not been made.

Leases.

1 28 **Hen. 8. c. 25.** Leases made by the King's Lands of the Commissioners, or any two of them in the King's King, Religious Houses and Persons attained, of the King's old Lands, or of the Lands of religious Houses suppressed, or of Persons attainted, shall be good, tho' no Office nor Inquisition was taken. And Warrants signed by two of the Commissioners to be as good as if signed by the King.

2 This Act not to extend to Grants made by the King before this Act, nor to Leases made before the 10th of December, in the 29th of his Reign, granted under the Exchequer Seal.

3 10 & 11 **Car. 1. Sess. 4. c. 2.** All Gifts, 13 *El. c. 20.*
Grants, Alienations, Leases, Forfeitures, Char- 14 *El. c. 11.*
ges and Incumbrances whatsoever imposed, laid 43 *El. c. 9. En.*
or suffered by any Minister, Parson, Vicar, or Charges by *Godbolt. 102.*
other Beneficer, of any Benefice whatsoever (having Cure of Souls) within this Kingdom, of or Spiritual Persons, how long
upon his said Benefice, or any Part thereof, shall to be in Force.
stand in Force for such time only as he shall be a (a)
Resident upon the same, without Absence from
it, above eighty Days in any one Year, and for
no longer time; and that all Covenants, Bonds,

I 4

Statute-

(a) This Statute was made to oblige Incumbents to Residence, for tho' *prima facie*, it seemed to their Advantage to make their Leases void, yet it is not so in Consequence, for none would be induced to farm their Lands, who might defeat their Leases by non Residence. 1. *Ven. 245.*

It was adjudged in the Case of *Sidner ver. Calver* in *Noy's Rep.* That if the Parson be absent 80 Days in the Year, tho' it be at several times (*viz.*) 10 Days at one time, and 20 Days at another time, until 80 Days, &c. that it is within the Statute.

But my Lord Coke saith, that lawful Imprisonment without Covin, is a good cause of non Residence, also, if there be no Parsonage House (for *impotentia excusat legem*) also Sickness without Fraud, if the Patient remove by Advice of his Physician, *bona fide*, for better Air and Recovery of his Health, 6. *Co. 21. 6.*

Statute-Merchants, and of the Staple, Recognizances, Judgments, and other Securities whatsoever, to be acknowledged, made or suffered, by any such Beneficer, or collaterally for, or on his Behalf, for the enjoying of the Houses, Lands, Tythes, &c. of such Benefices or any Part thereof, otherwise or for any longer or other time than as aforesaid, or whereby such Beneficer shall be enforced or compellable to resign his said Benefice, or to the Intent to force such Beneficer to be Resident for the upholding of any Grant, Lease, &c. made as aforesaid, and allowed to stand in Force during such Residence, as is above shewed, shall be utterly void.

Leases of
Glebe granted
by the King.

If the King, his Heirs or Successors, upon any Plantation to be made within this Realm, shall endow any Parson or Vicar, and their Successors, with any Glebe-lands, in such Case the Incumbent thereof (for the Benefit of the Plantation) may (by the Licence of the Lord Deputy of this Kingdom, and of the Privy Council) make any Lease of such Glebe-lands whereof they shall, upon such Plantation, be newly endowed; not exceeding 21 Years from the time of such Endowment made, under such Rents and other Reservations, as shall by the Lord Deputy and Council be directed.

13 El. c. 10. En.
Leases by Ec-
clesiastical
Persons, how
to be made.

10 & 11. Car. 1. sess. 4. c. 3. Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, Parsons, Vicars, and also Masters and Governors, and Fellows of Colleges and Hospitals, by their Writings indented under their respective Seals of Office, (a Counter-part whereof shall be entred in their respective Register-Books, for the Benefit of Succession from time to time) may demise any the Lands, or other Heredi-

(b) Hereditaments, belonging to the respective Churches, Colleges, and Hospitals, (the dwelling Houses for the most Part of 40 Years now last past used, for any of their respective Habitations, and the demesne Lands thereunto belonging, and therewithal, during the said time, continually used and occupied as the Demesnes of the said Houses only excepted) unto any Person or Persons, for, or during the Term of 21 Years from the Time of the making thereof, * by the Laws in England, they may Lett for 21 Years, or 3 Lives, reserving the accustomed yearly Rent.

(b) The Lease must be of Lands, Hereditaments, Manurable, or Corporeal, which are necessary to be letten, and whereout a Rent by Law may be reserved, and not of things that lie in Grant, as Advowsons, Fairs, Markets, Franchises, and the like, whereout a Rent cannot be reserved. 5. Co. 2. *Jewels Case*. 1. *Inst.* 44. 6.

But see *tit Officers and Offices* where (by a Proviso in this Statute) Grants may be made of antient Offices concerning the Possessions, &c. of Archbishops, Bishops, Deans, and other Dignitaries, Ecclesiastical, &c.

(c) If there be an old Lease in being it must be surrendered or expired, or ended within a Year of the making of the Lease, and the Surrender must be Absolute and not Conditional. 1. *Inst.* 44. 6.

And tho' the Statute at large says, that all Grants, and Leases made, otherwise than as the Statute directs, shall be utterly void, and of none Effect, to all intents, &c. yet Grants, or Leases, &c. not warranted by this Act, are not void, but good against the Lessor, if it be a sole Corporation; or so long as the Dean or other head of the Corporation remain, if it be a Corporation aggregate of many, for the Statute was made in benefit of the Successor, and not of the Party himself, and accordingly it was adjudged upon the Statutes, 1. and 13. *Elix.* in England, 1. *Inst.* 45. a. 3. Co. 59. 60.

And that the Statute was made for the Benefit of the Successor, appears by the subsequent Words of the Statute, which direct, *that the Lands, &c. must be leased at a Rent amounting to a Moiety of their true yearly Value at least, (Communibus Annis) at, or immediately before the Time of making the*

within the Space of one Year then next coming, upon which Lease or Leases must be reserved and continued due and payable unto the said Lessors and their Successors, during the said Term of 21 Years, so much yearly Rent, or more (at the Peril of the Lessees who shall take the same) as the Moyety of the true Value of the said Lands or other Hereditaments (*Communibus Annis*) at, or immediately before the time of the making of such Lease shall amount unto, as the same shall or may hereafter appear, either upon a legal Tryal between the Successor or Successors of such Lessors (if they shall question the same) and the said Lessees or their Assigns, by Verdict of twelve indifferent Persons at the Common-Law or otherwise by the Certificate of four or more honest, equal, and indifferent Persons, authorized by Commission under the Great Seal of this Kingdom, to enquire and find the same; and the said Certificate approved of by the Lord Deputy and Privy Council of this Kingdom; which Verdict or Certificate so respectively made or given, shall be peremptory to both Parties and their respective Successors and Assigns during the said Term, in which Leases, or any of them, shall be contained no Power,
Liberty

the Lease, as the same may thereafter appear, either upon a legal Tryal between the Successors (if they question the same) and the Lessees, and their Assigns, or by Certificate, &c. And it likewise appears by a Clause, immediately following, that Clause which impowers them to let Leases for 40 Years of Houses in Towns, that the Statute provided only for the Successors, for this Clause provides, that the Rents and Profits reserved, shall by no means be aliened, released, or discharged, to the Prejudice of the Successors; so that the Leases are good against the Lessors themselves.

But Leases contrary to this Statute being declared void by the Statute, no acceptance of Rent by the Successor shall establish the Lease against him, 1. *Inst.* 45. 6. *Bro. Abr.* tit. *Acceptance.* 7. 9. 11. *Hetley* 88.

Liberty or Privilege for such Lessees or their Assigns to commit waste, or be punishable of waste.

6 All and every the Persons afore-named, and their Successors or any of them (by License of the Lord Deputy, &c. and Council of this Kingdom) may make Leases for a longer Term or Time than 21 Years, of any their Lands or Grounds fit for the necessary Building of Castles, Fortresses or other Houses of Strength in places convenient and requisite for the good of this Kingdom, and the Defence thereof, for such Term and Time, and in such sort as shall be thought fit by the King (or the Persons aforesaid) also it shall be lawful for them (in consideration of the Re-assignment, Surrender, and taking in, of Fee-farms, long Leases, or Estates, formerly granted of their Lands) and upon further Improvement of the yearly Rents and Profits thereof, to be reserved and paid to them and their Successors, (by and with such License as aforesaid) to make any Lease or Leases for the Term of 60 Years or under, of such Fee-farm Lands, and of such Leased Lands for the like Term, or for fewer Years, if the said Leases in being were for fewer Years. May make Leases for 60 Years.

7 Also the said Spiritual Persons, Colleges and Hospitals, by their like Writings, indented, sealed, entred and enrolled as aforesaid, may make any Lease or Leases for and during the Term of 40 Years, under the like valuable Rent as is afore expressed, of all or any their Houses belonging to their Churches, Colleges or Hospitals, and of the Curtilages belonging to the same, which are situate within any City, Town Corporate or Market-town of this Kingdom, so as the same be not of any their Mansion, or Dwelling-houses, or of any part thereof, or any the Curtilages, Gardens or Orchards belonging thereunto, 14 E1.c.11. En. When for 40 Years.

All

Rents, how to
be reserved.

All Rents and yearly Profits reserved upon the making of all and every the Leases aforementioned, shall from such making, continue due and payable unto the said Lessors and their Successors, during the respective Leases and Terms; and shall by no Means, be aliened, released or discharged, to the prejudice of the Successors of such Lessors or any of them.

Provided that this Act shall not restrain the most Reverend Father in God *James* Lord Archbishop of *Ardmagh*, but he may make such Leases, and for such Terms, as are mentioned in the King's Letters Patents to him heretofore granted in that behalf.

How Demesne-lands
Archbishop
Tuam to be
fixed.

4 GEO. I. c. 14. *pars.* The Archbishop of *Tuam*, and his Successors, within 3 Years from the passing this Act, by Survey, may set out 250 Acres Plantation-Measure, or more, of the Demesne-lands belonging to the Archbishoprick, and the same may enclose, of which a Map shall be made and lodged in the Archbishop's Registry, which shall always from thenceforth be esteemed to be the Demesne belonging to the Archbishoprick of *Tuam*; and then the said Archbishop, &c. may demise the remaining Part of the said Demesne-lands, in the same manner, as by Law he is impowered to demise other Lands to the said Archbishoprick belonging.

How Remainder his Demesne to be leas'd.

Provided, that at least three Fourths of the full yearly Value, at the Peril of the Tenant of such remaining Part of the said Demesne-lands, as worth at the Time of such Demise, be always reserved to the said Archbishop and his Successors upon such Demise, and that the Value may be tried or ascertained at any Time in like manner as by Law is already provided, for the Trial of the half Value of other Lands to any Archbishoprick or Bishoprick belonging; and if upon such Tryal, it be found that the remaining

maining Part of the said Demefne-Lands, or any Part thereof, is demised at less than the Value aforesaid, every such Demise shall be void.

- 12 This shall be deemed a publick Act, and no Fee shall be paid for passing the same, saving to his Majesty, &c. and every other Person, Bodies Politick and Corporate, except the Archbishop of *Tuam* and his Successors, all their Right, &c. which they may have out of the said Demefne-lands.

- 13 6 Geo. 1. c. 14. From the 1st of *July*, 1719. Leases of every Deanry, Archdeaconry, Dignitary, and Tythes by Members Ca-
Prebend of a Cathedral Church, the Corps thedral
whereof consists of one or more Parishes, or Churches,
Part or Parts of Parish or Parishes, where no good only
Vicarage at present is endowed or established, during In-
shall be so far, and no farther deemed as a Be- cumbency.
nefice having Cure of Souls, within the 10 & 11
Car. 1. c. 2. as that no Lease or Grant of any
Part or Proportion of the Tythes to any such
Deanry, &c. belonging, made or to be made
by any Dean, &c. shall be good in Law, for
any longer Time than during the Incumbency
of such Dean, &c.

- 14 Provided, that nothing herein shall extend to avoid any Lease or Grant made by any Dean, &c. having Cure of Souls, before the said 1st Day of *July*, but the same shall remain of the same and no other Force, as the same would have been if this Act had not been made.

- 15 If any Dignitary or Prebendary of any Cathedral Church, or any other Ecclesiastical Person, being Rector of any Parish where there is a Vicarage endowed, shall, after the sixth Day of *August*, 1719. set the Tithes belonging thereto, for any longer Time than during his Incumbency, (except where such Tithes have been set in Lease for the greatest Part of 30 Years past) such Lease shall be null and void.

Church Leases
of Boggs, and
unimprov'd
Grounds.

12. *Geo. 1. c. 10. pars.* The several Arch-¹⁶
bishops, with the Consent of the Chief Gover-
nor, under Hand and Seal, and the several Bi-
shops, with the Consent of the Archbishop of
the Province, under his Hand and Archiepisco-
pal Seal, may demise any Parcel of Bogg or
Fenny Grounds, which are wholly unimproved,
and which appertain or are reputed to appertain to
their Demeasn Lands, for any Term not exceed-
ing sixty Years, in Possession, without Fine,
reserving the most improved Rent that can be
got for the same, at the Time of making such
Lease.

Provided, every such Archbishop or Bishop,¹⁷
over and above such Bogg and Fenny-Grounds,
so to be demised, shall be possessed of 300
Acres Plantation Measure, of good Arable and
Pasture-Lands, belonging to his Dwelling-house,
as Demeasn, and shall reserve a Turbary sufficient
for the Use of such Dwelling-house, and the Te-
nants of such Demeasn-Lands.

Provided also no such Lease shall at any time¹⁸
be renewed for any longer Term than 21 Years,
and at every such Renewal, the said Lands shall
be set at three Fourths of the full Value thereof,
at the Time of such Renewal.

From the first of *May*, 1726. Every Arch-¹⁹
bishop, with the Consent of the Chief Gover-
nor, &c. and every Bishop, with the Consent
of the Archbishop of the Province, as herein
before directed, may make separate and distinct
Leases of all such Tracts of Bogg or Fenny-
Grounds, not being Parcel of their Demeasn,
and have been usually demised with the Lands or
Farms of such Archbishop or Bishop to which
they lie contiguous, and are next adjoining, as
Members and Appurtenances, without yielding
any Rent or Profit, and of which they are so
seized,

seized, to the several Tenants of such Lands or Farms; or if out of Lease, to any Person whatsoever, for any Term not exceeding 60 Years, in Possession, without Fine, and at the highest Rent that can be had for the same, Provided if any Arch-Bishop, or Bishop, under pretence of the Powers hereby granted, shall include in such Demises, any profitable Lands belonging to such Farms, or shall diminish any Part of the yearly Rent that now is, or at the time of making such Lease of 60 Years for which such Tracts of Bogg or Fenny-Grounds are contiguous or next adjoining, as aforesaid; or include in any such Lease, any other Lands belonging to their Sees, in all such Cases such Lease shall be void; Provided also, from the Expiration, Surrender, or other Determination of such Lease, made by Vertue of this Act, not exceeding 60 Years, no other or longer Lease of such Bogg or Fenny-Grounds, nor in any other Manner shall be made, than is prescribed by 10 and 11 Car. 1.

c. 3.

20 1 Geo. 2. c. 15. pars. From the first of Leases by Incumbents in
May, 1728. Every Rector, &c. of any Parish, Towns.
in any City or Town Corporate, with the Consent of the Patron of such Parish and Ordinary of the Diocess, may lett or demise any House or Ground to him belonging, in any City or Town Corporate, for any Term not exceeding 61 Years, without Fine, at the improved Rent, so as such Lease be not made to commence *in futuro*, and so as in such Lease the Rent be made payable to such Incumbent and his Successors, and so as every such House or Lot of Ground be certified by the Arch-bishop of the Province and Bishop of the Diocess, under their Archiepiscopal and Episcopal Seals, to be over and above what is sufficient for the convenient Residence

dence of the Incumbent, and so as such Certificate and Lease be entred in the Registry of the Diocess.

Where any such Lease shall be made and entred, every Incumbent for the Time being, may renew such Lease for any Term not exceeding 40 Years, so as the former Rent be not lessened, without any Certificate from the Archbishop or Bishop, provided such renewed Lease be entered in the Registry of the Diocess where such House or Ground shall lie.

Letters Patents.

Prerog. Reg. c. 15. 17. Ed. 2. En. The King's Gift or Grant of Land or Manors, *cum pertinentiis*, conveyeth not Knights Fees, Advowsons, or Dowers without expresse Words.

10. *Car. 1. sess. 1. c. 3.* Some Doubts arising about the Validity of some Estates in *Ireland*, Granted by Letters Patents; It is therefore by this Statute Enacted, That all Persons, Bodies Politick and Corporate, as well Spiritual as Temporal shall Hold and Enjoy all such Mannors, Lands, &c. of what Nature soever, according to the Purport of the said Letters Patents, and that the same shall stand and be of Force, and bind and conclude as well the King, his Heirs and Successors, as also all other Parties to the same, their Heirs and Assigns, and all claiming under them, in all Things according to the Purport and true Meaning of the same Letters Patents.

The Right of others, Bodies Politick and Corporate, their Heirs and Successors (other than the King, His Heirs and Successors) is saved by the Act.

10. *Car.*

4 10. **Car.** 1. *sess.* 2. *c.* 4. Grantees by Letters Patents from the King, or any of His Predecessors, of any Lordships, Mannors, Lands, Tenements, Rents, Parsonages, Tythes, Portions, or any other Hereditaments, or any Reversion or Reversions of the same which did belong to any of the Religious and Ecclesiastical Houses dissolved, &c. or by any other Means come to the King's Hands, since the last Day of *April*, *Ann.* 28. *H.* 8. or which at any Time heretofore did belong to any other person or persons, and afterwards came to the King's Hands or any of His Predecessors; and all other persons being Grantees or Assignees, to or by the King, or by any other person, and their Heirs, Executors, Successors and Assigns, shall have like Advantage against the Lessees, their Executors, Administrators and Assigns, for Non-payment of Rent, Waste, or other Forfeitures, for not performing Covenants, &c. as the Lessors or Grantors themselves or their Heirs or Successors might have had if the Reversion of such Lands, &c. had remained and continued in the said Grantors or Lessors, their Heirs or Successors.

5 Also all Farmers, Lessees or Grantees of any Lordships, Mannors, Lands, &c. for Term of Years, Life or Lives, their Executors, Administrators and Assigns, shall have the like Remedy against the Grantees of the Reversions of the same Mannors, Lands, &c. their Heirs, Successors and Assigns (so letten) or any Parcel thereof, for any Condition, Covenant or Agreement contained in the Indentures of their Leases, as they might have against the Lessors or Grantors, their Heirs or Successors; all Benefits and Advantages of Recoveries in Value, by reason of any Warranty in Deed or in Law, by Voucher or otherwise only excepted.

32. *H.8. Cap.*
34. *Engl. 2.*
Boulster. 282.
Moor. 93, 159.
242. 525. 527.
1 *Roll. 81. Cro.*
Ja. 521. 523.
Dyer. 308,
309. 5. *Co. 18.*
a. 111. a. 112.
Co. Lit. 215.
a. b. Cro. Ell.
600, 650.

37 *H. 8. c. 34.*
En.
vid. supr.

Letters Patents.

15 *Car. 1. c. 6.* All Letters-Patents past or 6
 to be past under the Great Seal of *Ireland*, of
 any Castles, Honours, Lands, &c. or other He-
 reditaments, spiritual or temporal, within this
 Kingdom, (by vertue of any Commission of
 Grace granted since the Beginning of the King's
 Reign) to any Person or Persons, Bodies poli-
 tick, &c. their Heirs and Successors, &c. (other
 than Letters-Patents past or afterwards to be past
 of one and the same thing, or of one and the
 same and other things, to one and the same Per-
 sons, &c. or to their Uses or in Trust for them,
 or with Remainders over, or otherwise by virtue
 of any such Commission) and every Clause and
 Thing in every of the said Letters-Patents con-
 tained (other than in the said latter Letters-Pa-
 tents) shall, as to such of the Land, Liberties
 and Premises, being within any of the late Plan-
 tations within this Kingdom, made by Queen
Eliz. K. Jac. 1. or K. Car. 1. be good and effec-
 tual to all Intents and Purposes, as well against
 the King, his Heirs and Successors, as against
 all others, Bodies Politick and Corporate, and
 as to all the rest of the Premises, to be good a-
 gainst the King, his Heirs and Successors, not-
 withstanding any Defect or Law whatsoever,
 that may any ways enfeeble or avoid the said
 Letters-Patents; and that as well such Patentees
 as those in Remainder declared by such Letters-
 Patents, their Heirs and Successors, &c. from
 and immediately after the new passing or sealing
 of such Letters-Patents, may peaceably hold and
 enjoy their Estates to them granted, according to
 the true Meaning thereof, as afore-shewed, free
 from all Incumbrances and Demands whatso-
 ever, other than the Rents, Reservations, Ser-
 vices, Conditions, Covenants and Charges, re-
 served in the said Letters-Patents.

And

- 7 And such Letters-Patents past, or afterwards to be past, of one and the same Things, or of one and the same and other Things, &c. (as afore-shewed) are declared to be good and effectual to all purposes, after the same manner as is already shewed in the preceding Section, of the other Letters-Patents to be good against the King, his Heirs and Successors, and all other Persons whatsoever, as to such Premises as are lying within any of the new Plantations before-mentioned; and as to the rest to be good against the King, his Heirs and Successors only, &c.
- 8 As well this Act made for strengthening of Letters-Patents, as also the Statutes of 10 Car. 1. c. 3. (which see in this Title here before) made for the same purpose, and every Clause therein, shall be expounded most strongly against the King, his Heirs and Successors, and most liberally and beneficially for the Patentees, their Heirs, Successors, Executors, Administrators and Assigns.
- 9 Provided that this Act shall in no wise bar or prejudice the Right or Title of any Archbishop, Bishop, Dean, Chapter, Archdeacon, Dignitary, Prebendary, Parson, Vicar, or other Spiritual or Ecclesiastical Person, to any Mannors, Lands, Tenements, or Hereditaments, being the Inheritance and Possession of their respective Churches.

Libel.

- 1 2 Hen. 5. c. 3. En. A Copy of (a) a Libel grantable in the Ecclesiastical Court, shall be
K 2 presently

(a) The Reason of making this Statute, appears, in the Statute at large, to be for that Ecclesiastical Judges refused
a Copy

Libel.

presently delivered upon the Defendant's Appearance.

Library.

6 Ann. c. 19. The Library built by Narcissus, Lord Archbishop of Armagh, near St. Sepulchres, Dublin, is by this Act vested in Trustees named in the Act, who are made a Corporation, and to visit the second Thursday in October yearly, and may make Rules, &c.

Limitation. See Actions Popular.

10 Car. 1. Sess. 2. c. 6. There is a Proviso, that this Act of Limitation shall not extend to any Writ of Right of Advowson *Quare impedit*, or Affize of *Darrein Presentment*, nor *Jure Patronatus*, nor to any Writ of Right of Ward, Writ of Ravishment of Ward, for the Wardship of the Body.

Neither shall this Act extend to any Castles, Honours, Mannors, Lands, Tenements, Hereditaments, Tythes, Pensions, Portions, Obventions, Oblations, or any annual, casual or hereditary Profits, or other Rights or Possessions whatsoever, of any Archbishopricks, Bishopricks, Deanry, Archdeaconry, Prebend, Parsonage, Vicarage, or any other Ecclesiastical or Spiritual Living, or as belonging thereunto, claimed by any Ecclesiastical or Spiritual Persons; but that they and their Successors may have such Writs and Suits for the same, and make such Entries thereunto, as they might have done before the making of this Act.

Lord's

a Copy of the Libel, to prevent the Party's obtaining a Prohibition.

1. 2 *El. c. 2.* All Persons shall resort to their^{11 Co. 56. 2.} Parish-Church or Chappel, or (upon reasonable^{Roll. Re. 438.} Lett) to some usual Place where Common-prayer^{455. Godbolt.} and such Service of God shall be used, upon every Sunday and Holy-Day, and there abide orderly and soberly during the Time of Common-prayer and Preaching, or other Service of God, in pain to be punished by Censures of the Church; and also upon pain of twelve Pence, every Person so offending every time, to be levied by the Church-wardens of the Parish where the Offence is committed, of the Goods, Lands and Tenements of the Offender, by way of Distress, to the Use of the Parish there.
2. 7 *Gul. 3. Sess. 1. c. 17.* All Persons shall^{29 Car. 2. c.} on every Lord's-Day, exercise themselves in Du-^{7. En.} ties of Piety, publickly and privately; and none shall exercise any worldly Labour, &c. of their ordinary Callings upon the Lord's-Day (Works of Necessity and Charity only excepted) and all Persons of the Age of 14 Years or upwards, offending in the Premises, shall forfeit 5 s. for every Offence. And none shall publickly cry, shew forth, or expose to Sale any Wares, Merchandizes, Fruits, Herbs, Goods or Chattles whatsoever upon the Lord's-Day, on pain to forfeit the same Wares, &c.
3. No Drover, Horse-Courser, Waggoner, Car-^{3 Car. 1. c.} rier, Butcher, Higler, or their Servants, shall^{1. En.} travel or come into their Inn or Lodging upon the Lord's-Day, or any part thereof, upon pain to forfeit 20 s. for every such Offence.
4. None shall exercise any Hurling, Common-^{1 Car. 1. c.} ing, Foot-ball playing, Cudgels, Wrestling, or^{1. En.} any other Games, Pastimes or Sports on the Lord's-Day, upon pain (being convicted in such Manner as herein after directed) to forfeit 12 d. *Sterl.* for every such Offence, to be immediately

paid to such Justice of the Peace, Officer or Officers, before whom such Conviction shall be. And if any Offender against this Act, shall be convicted before any Justice of the Peace of the County, or of the chief Officer or Officers, or any Justice of the Peace of, or within any City, &c. where the Offence shall be committed, upon his or their View, or Confession of the Party, or Proof of any one or more Witness or Witnesses by Oath (which they may administer) the said Justices, &c. shall give Warrant under his or their Hands and Seals, to the Constable or Church-Wardens of the Parish or Parishes where such Offence shall be committed, to seize the said Goods cried, &c. as aforesaid, and to sell the same, and to levy the said other Forfeitures and Penalties by Distress and Sale of the Offenders Goods, rendring the Overplus; and in Default of Distress or Insufficiency to pay, the Offender to be set publickly in the Stocks, by the Space of two Hours; and all the Forfeitures or Penalties aforesaid, to be employed to the Use of the Poor, where the Offences shall be committed; save only that any Justice, Mayor, &c. out of the said Forfeitures or Penalties, may reward the Informer according to their Discretions; so that such Reward exceed not a third part thereof.

49 Car. 2. c.
7. En.

This Act shall not prohibit dressing of Meat in Families, or dressing or selling Meat in Inns, Cooks-Shops or Victualling-houses, for such as otherwise cannot be provided; nor the crying or selling Milk or Fish, before ten of the Clock in the Morning, or after four of the Clock in the Afternoon; nor to the using of Hackney-Coaches in or about the City of *Dublin*.

Prosecutions for any Offence mentioned in this Act, must be within ten Days after the Offence committed.

- 7 If any Person travelling on the Lord's-Day be robbed, the Hundred shall not be charged, but the Inhabitants after notice of such Robbery, to them or some of them, or Hue and Cry for the same, shall make pursuit according to the Statute of the 10 Car. 1. *Sess. 4. c. 13.* on pain to forfeit to the King as much Money as might have been recovered against the Hundred or Barony, if this Law had not been made.
- 8 None shall serve or execute (upon the Lord's-Day) any Writ, Process, Warrant, Order, Judgment, or Decree, (except in Cases of Treason, Felony, or Breach of the Peace) but that such Services shall be void; and the Persons serving the same to answer Damages, as if they had done the same without Warrant. *5. Mod. 95. 1. Salk. 78. Stile 369.*
- 9 No Keeper of any Tavern, Ale-house, or publick Victualling-house, shall receive, entertain, or permit to remain in his House, any Persons during the Time of Divine Service (except those of their own Family or Lodgers in the said House) or furnish them with Wine, Ale, Beer, or other Liquor of any Sort, in pain of ten Shillings for every such Offence, to be paid by them; and five Shillings to be forfeited by every such Person who shall enter and remain there.
- 10 Constables and Church-Wardens of Parishes, within the severall Cities and Towns corporate of this Realm, are frequently (and as often as they have cause so to do) to enter into Taverns, Ale-houses and Victualling-houses within their Parishes or Districts, where they reasonably suspect any Persons are and remain contrary to this Act, and to apprehend them, and also the Keeper of the House, and to carry them before some Justice of the Peace near the place, who may examine Witnesses on Oath touching the Breach of this Law, and then proceed to a final Con-
K 4 viction

viction or Acquittal; and upon such Conviction they are forthwith to demand the Penalties, and to receive the same, and on Default of Payment, to commit the Offender to the Goal of the said County, till Payment of the same, which are to be applied to the Use of the Poor of the Parish where the Offences are committed.

This Act not to extend to Persons who have been in Inns before the Lord's-Day, and intend to abide there on *Sunday*.

Maintenance.

West. 1. 3. Ed. 1. c. 28. En. No Clerk of the King, or (a) any Justice, shall receive the Presentment of any Church for which there is a Debate in the King's Court, without the King's special Licence, in pain to lose the (b) Church and his Service: And no Clerk of any Justice or Sheriff shall maintain Parties in any Suits, or use Fraud, whereby common Right may be delayed, in Pain to be punished, as aforesaid, and more grievously, if the Trespas require it.

10 *Car. 1. Sess. 3. c. 15.* All Statutes heretofore made in *England* concerning Maintenance, Champerty and Embracery, or any of them now being in force, shall be put in due Execution in this Realm of *Ireland*.

Par.

(a) The Mischief before this Act was, that the Chaplain of the King, or of some Person in Power, was presented, the more to countenance the one Party, and discourage the other.

(b) The Punishment is that he shall lose the Church, that is, that the Church shall be void as to him, and that he shall lose his Service, that is, that he shall not after, be Chaplain to the King during one Year, 2 Inst. 212.

Maintenance is an unlawful upholding of the Plaintiff or Defendant, in a Cause depending in suit, by Word, Writing, Countenance or Deed. *ibid.*

- 1 33 **Hen. 8. Sess. 1. c. 6.** All Marriages that shall be contracted within this Church of *Ireland*, between Parties that be not prohibited by God's Law to marry, being solemnized in the Face of the Church, and consummate with bodily Knowledge, or Fruit of Children or Child, being had therein between them, shall be lawful, notwithstanding Pre-contract of Matrimony (not consummate with bodily Knowledge) which either or both of the Persons so married, have made with any other, before the time of contracting that Marriage which is solemnized and consummate, or whereof such Fruit is ensued, or may ensue as aforesaid. 32 *Hen. 8. c. 38. En. Co. Lit. 235. a. 2 In. 683. Vaugh. 206. 303. 2 Leon. 169.*
- 2 No Reservation or Provision (God's Law excepted) shall impeach any Marriage without the Levitical Degrees. 2 *Lev. 254. 5 Mod. 170. 448. 2 Lut.*
- 3 None shall be admitted in any of the Spiritual Courts within this Land, or any other of the King's Dominions, to any Process, Pleas or Allegations contrary to this Act. 1077. 2 *Ven. 10. Moor 907. Cro. El. 228.*
- 4 10 **Car. 1. Sess. 2. c. 21.** By this Act Bigamy is Felony of Death. 1 *Jac. 1. c. 11. En. Ve. Co. 3. Inst. 88. c. 27. Vid. Haw. P. C. Tit. Marriage.*
- 5 But not to extend to any whose Husband or Wife shall be continually remaining beyond the Seas, by the Space of 7 Years together, or whose Husband or Wife, shall absent him or herself one from the other, by the Space of 7 Years together, in any Parts within the King's Dominions, and one of them not knowing the other to be living.
- 6 Nor shall this Act extend to any that are, at the time of such Marriage, divorced by any Sentence had in the Ecclesiastical Court, or where the former Marriage is declared void by Sentence in such Court, or was had within the Age of Consent.

No

No Attainder for this Offence, shall make any Corruption of Blood, Loss of Dower, or Disinheritance of Heirs.

1. *Car. 2. c. 33. En.* 17 & 18 *Car. 2. Sess. 5. c. 3.* All Marriages solemnized in this Kingdom, since the first of *May*, 1642. before any Justice or reputed Justice of the Peace of this Kingdom, and by him so pronounced and solemnized, according to the Directions of an Act or Ordinance of one or both Houses of Parliament of *England*, or of any Convention sitting at *Westminster* under that Name, shall be adjudged valid in Law, as if the same had been solemnized according to the Rites and Ceremonies of the Church of *Ireland*.

And where, in any Suit, in any of the Courts of the Common Law within this Kingdom, any Issue shall be joined upon the Point of Bastardy, or Lawfulness of Marriage, concerning the Marriages aforesaid, the same shall be tried by a Jury of 12 Men, according to the Course of Trial by Jury at the Common Law, and not otherwise.

9 *Gul. 3. c. 28.* If any Protestant Maid or Woman unmarried, being Heir apparent to her Ancestor, or having a Sole or Joint-estate or Interest in Fee-simple or in Fee-tail, or being seised in Fee-simple, or in Coparcenary, or in Common, or being seised of an Estate for Life or Lives, by way of Jointure, Dower or otherwise, or being possessed of, or intitled unto any beneficial Interest or Term of Years, of or in any Manors, Lands, &c. in Possession, Reversion or Remainder, or being possessed of, or intitled to any Personal Estate, either in Money, Stock, Plate, Jewels, or other Goods and Chattels, in Law or Equity, to the Value of 500*l.* or more, shall, at any time after the first of *January* next, marry or take to Husband any Person whatsoever, without having first obtained a Certificate
in

in Writing, under the Hand of the Minister of the Parish, Bishop of the Diocese, and some Justice of the Peace living near the Place (or any 2 of them) where such Person shall be resident, at the time of such Marriage, that he is a known Protestant, which Certificate shall also be attested under the Hands of 2 or more credible Witnesses, and shall be granted without Fee or Reward; that then, and from the time of such Marriage, such Protestant Person so marrying, and the Person she shall so marry, shall be for ever afterwards disabled, and rendered incapable of having or enjoying all or any of the aforesaid Estates or Interests; and that the same shall go to, and be deemed to be the Right and Estate of the next Protestant of the Kin, to whom the same would descend by Law, were such Protestant Maid or Woman, and all other intervening Popish Heirs, Executors or Administrators, really dead and intestate at the time of such Marriage, and such next Protestant of the Kin as aforesaid, shall hold and enjoy the same in as ample manner as the said Protestant Maid or Woman might have held the same, in case this Act had never been made. And that at any time after such Protestant Maid or Woman shall marry without such Certificate as aforesaid, it shall and may be lawful for such Protestant Person or Persons as aforesaid, by any Action at Law or other Legal Means whatsoever, to sue for and recover the same, as if such Protestant Person so marrying as aforesaid, and all other intervening, &c. were really dead and intestate as aforesaid, and as if such Person or Persons so suing were rightfully and legally intitled thereunto, as Heirs, &c. to such Maid or Woman marrying as aforesaid, she being by such Marriage deem'd dead in Law.

If

If any such Protestant Maid or Woman, after the first of *January*, 1697, marry such Person, without a Certificate as aforesaid, that thenceforth, she and such Husband as she shall marry as aforesaid, shall for ever be incapable of being Heir, Executor, Administrator or Guardian, to any Protestant or Protestants: And in case any such Protestant Woman as aforesaid, is now married to a Popish Person, and hath now by Law a Title, or is chosen or appointed to be Guardian to any Protestant, having all or any of the said Estates or Interests, then after the said first of *January*, such Guardian shall be utterly incapable of being any longer so Guardian, or receive any the Rents, &c. as Guardian; and the Right of Guardianship shall devolve to the next Protestant of the Kin, to whom the Estate of such Persons in Guardianship as aforesaid, cannot descend (unless such Person shall be incapable in Law, or shall be adjudged unfit by the Court of *Chancery* in this Kingdom) in either of which Cases, such Right of Guardianship shall go to the next Protestant of Kin, who shall be capable and fit for the Discharge of such Trust, who shall take into his, her or their Care, the Tuition of such Persons in Guardianship as aforesaid, and receive the Rents and Profits of their Estates.

Any Protestant Minister, or Popish Priest or other Person whatsoever, that shall after the first of *January*, join in Marriage any Protestant Maid or Woman, having any of the Estates or Interests aforesaid, to any Person whatsoever, without having such Certificate in Writing as aforesaid, shall for every such Offence (being convicted thereof by his or their Confession, or by the Verdict of a Jury of the County where such Offence shall be committed) suffer one Year's Im.

Imprisonment, without Bail, and forfeit the Sum of 20*l.* *Sterling*, one Moiety to the King, his Heirs and Successors, and the other to the Parties that will sue for the same, by any Bill, &c. wherein no Effoin, &c. shall be allowed.

13 If any Protestant, after the first Day of *January* next (*viz.* 1697.) marry any Maiden or Woman, without having obtained a Certificate in Writing as aforesaid, such Person so marrying any Maiden or Woman, shall from and after such Marriage, be in Law deemed to all Intents a Papist or Popish Recusant, and shall for ever afterwards be incapable of being Heir, Executor, Administrator or Guardian to any Persons whatsoever; as also disabled to sit in either House of Parliament, and rendered incapable of bearing or exercising any civil or military Office or Employment whatsoever, unless within one Year after such Marriage, he procure such Wife to be converted to the Protestant Religion, and shall obtain a Certificate under the Hand and Seal of the Bishop of the Diocese, or Archbishop of the Province, or Chancellor of this Kingdom, that she hath renounced the Popish Religion, and is become a Protestant, and shall procure the said Certificate to be enrolled in the Court of *Chancery* in this Kingdom.

14 Any Popish Priest or Protestant Minister, or other Person whatsoever, that shall marry any Soldier enlisted in the King's Army, to any Wife without such Certificate as aforesaid, shall forfeit 20*l.* for every such Offence, to be levied by Warrant from any Justice of the Peace in any County in this Kingdom (where such Offence shall be committed) of the Goods and Chattles of the Offender, or in Default thereof, to be committed to the common Goal, there to remain without Bail till Payment thereof, one
Moiety

Marriages.

Moiety to the Informer that shall make out such Offence before any Justice of the Peace; and the other Moiety to the Treasurer of the County, to be applied to the Use of the County; and that every Justice of the Peace shall give an Account of his Proceedings at the next Quarter-Sessions.

Such as think themselves aggrieved by the Judgment of any Justice of the Peace, may appeal to the next Quarter-sessions, where the said Matter shall be examined, and such Relief therein, given as to them shall seem reasonable.

Provided that in all Cases where a Certificate¹⁶ is required by this Act (that the Person marrying is a known Protestant) if any Marriage shall be made without such Certificate, and it can afterwards be made appear by Proof, that such Person was a known Protestant, that in such Case they shall not be liable to any Forfeitures or Penalties in this Act.

2 Ann. Sess. 1. c. 6. pars. If any Protestant¹⁷ having any Interest real or personal in this Kingdom, shall after the 24th of *March*, 1703, intermarry with any Papist, either within this Kingdom, or out of it, and be thereof convicted by Indictment or Information, such Protestant shall incur the Penalties and Disabilities in *9 W. 3. c. 28.* as if such Protestant had actually intermarried with such Papist in this Kingdom, and the Offence shall be tried in any County of this Kingdom, wherein the Offender hath any Estate, or Chattles real, or in the City of *Dublin*.

The Certificate of a Protestant Minister by¹⁸ whom any Person shall be married out of this Kingdom, attested by a Publick-Notary, containing the Matter to be certified by the said former Act, by the Persons therein mentioned, shall be sufficient, and in lieu of the Certificate required by the said former Act.

19 6 *Ann. c. 16. pars.* If any Person above the Age of fourteen Years, from the first of *November, 1707.* by Fraud, Flattery, fair Promises, or other indirect Means, shall secretly allure, take and convey away, or cause or procure to be taken or conveyed away, any Maid, or Woman Child, within the Age of eighteen Years, having Substance in Lands, Tenements or Goods, or being Heiress to her Ancestor, out of, or from the Possession, Custody or Governance of the Father, Mother, or Guardian, or such other Person as then lawfully hath the Order, Keeping, Education or Government of her, against their Will, and shall contract Matrimony with her by her Consent, the Person so taking away, or procuring to be taken away, and marrying the said Maid or Woman-Child without the Consent of the Parent and Guardian, and if there be no Parent or Guardian, then of the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, and being thereof convicted, shall suffer three Years Imprisonment, and be for ever disabled to have, receive, or take any Use or Profit of any Estate real or personal, to which such Maid or Woman-child, nor any Trust for her, at the time of such Marriage, or at any Time after, shall be seized of, interested in, or intitled unto.

20 Such Estate of such Woman-child, after such Conviction, shall from the Time of such Marriage, be vested in such Trustees as the Court of *Chancery* shall appoint, subject to such Charges, &c. as the same was liable unto at the Time of such Marriage, and upon Trust that such Trustees and the Survivor of them shall receive the Issues and Profits of the said Estate, and manage the same to the best Advantage, during the joint Lives of the Person so marrying; and if such Woman shall survive her said Husband, then the said Trustees shall

shall pay to her out of the Profits of the Premises, such Proportion during her Life, for her Maintenance as the *Chancery* shall appoint, and also such Sums of Money for the Maintenance and Education of the Children of such Woman as shall be appointed, as aforesaid, and upon Trust likewise, that the said Estate, and all the produce thereof, other than what shall be disposed of, as aforesaid, or in payment of such Debts as the same was liable to before the said Marriage, or what shall be necessarily expended by the said Trustees, in Execution of the said Trust, after the Death of such Woman, shall descend to such Person as the same would have done if this Act had not been made.

If any Person shall, by any subtle Means, or²¹ secret Insinuations and Delusions, Threats or Menaces, persuade or procure the Son and Heir apparent, or other Son of any Person having Lands, &c. of the Value of 50 *l.* per Annum, or a personal Estate of 500 *l.* or shall, in manner aforesaid, persuade or procure the eldest Son, or any other Son of any Person deceas'd to contract Matrimony without the Privy or Consent of the Parents or Guardians, before such Son attains the Age of twenty one Years, such Person contracting Matrimony, without the Privy and Consent of such Parent or Guardian, and if there be no Parent or Guardian, then of the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, shall be for ever disabled to demand any Dower, Thirds, or any other Part of the Estate of such Son, or any Jointure, or other Provision out of his Estate, made to or in Trust for her by any Will, Deed or Settlement whatsoever.

All Persons who shall be Accessaries, Aiders,²² Abbettors or Procurors, before the Fact, in the several Offences before mentioned, being convicted

victed thereof, shall suffer three Years Imprisonment.

- 23 If any Persons shall take upon him to celebrate any Marriage of any such Person as aforesaid, and be thereof convicted, every such Person being a beneficed Clergyman in this Kingdom, shall immediately after such Conviction, *ipso facto*, be deprived of all Ecclesiastical Preferments; and the same are hereby from thenceforth declared void: Nevertheless, no Lapse shall incur on any such Avoidance until the End of six Months after Notice given to the respective Persons, of such Conviction; and such Clergyman, after such Conviction, shall be incapable of any Spiritual Promotion, or receiving any Benefit thereby; and every other Person so offending, and convicted as aforesaid, shall be transported out of this Kingdom, in such manner as Persons exercising foreign Jurisdiction and popish Regulars are to be transported; and if such Person returns, he shall suffer like Penalties as Persons exercising foreign Jurisdiction, &c. transported, and after returning, are subject to.

- 24 If any popish Priest shall celebrate Matrimony between any the Persons aforesaid, or between any Persons knowing that at the Time of such Marriage, they or either of them are of the Protestant Religion, and being convicted thereof, such Priest shall be deemed a popish Regular, and suffer the Penalties and Forfeitures of such according to 2 *An. sess. 1. c. 7.*

- 25 If any Maid or Woman, be carried away by Force against her Consent, and after married or defiled by such Person who carried her away, or by any other by his Assent or Procurement, whether such Marriage or Defilement be
L with

Marriages.

with or without Consent of such Maid or Woman, every such Person, and the Aiders and Procurers, and all, as well Principals as Accessaries, before such Fact committed, shall be adjudged Felons, and shall suffer Death without Benefit of Clergy.

If any Principal or Accessary before the Fact, ²⁶ indicted and arraigned upon this Act, shall stand mute, and make no direct Answer or Challenge preremptorily above twenty, they shall suffer Death without Benefit of Clergy.

8 Ann. c. 3. pars. If any popish Priest from ²⁷ the first of *September*, 1709, shall be prosecuted for offending contrary to 6 Ann. c. 16. and that it appears, that the said Persons so married, or any one of them, was a Protestant at the Time of the Marriage, it shall be presumed, that the said Popish Priest did celebrate Matrimony, knowing that they or any one of them were of the Protestant Religion at the Time of such Marriage, unless the said popish Priest shall produce and prove a Certificate under the Hand and Seal of the Minister of the Parish where the Parties so married did at the Time of the Marriage respectively inhabit or reside, certifying that the said Person or Persons were not of the Protestant Religion at the Time of the Celebration of the said Marriage.

12 Geo. 1. c. 3. If any popish Priest, or ²⁸ reputed popish Priest, or any Person pretending to be a popish Priest, or any degraded Clergy-man, or any Lay-man pretending to be a Clergyman of the Church of *Ireland* as by Law established, shall, after the 25th Day of *April*, 1726, celebrate any Marriage between two Protestants, or reputed Protestants, or between a Protestant or reputed Protestant and a Papist, such popish Priest, &c. shall be guilty of
of

of Felony, and shall suffer Death as a Felon, without Benefit of the Clergy or of the Statute.

29 Any two Justices of the Peace, by Warrant directed to any Constable, may summon any Person suspected to be married by such popish Priest, &c. or to have been present at such Marriage, to appear before such Justices, at the Time and Place in such Warrant mentioned, not being more than ten Miles distant from his usual place of Abode, and examine such Person on Oath, where and by what Person, and with what Form and Ceremonies such Marriage was celebrated, and what Religion the persons so married professed, and who were present at such Marriage.

30 And if the Person so summoned shall neglect or refuse to appear, having no lawful Impediment, or refuse to be examined, as aforesaid, or after Examination shall refuse to enter into a Recognizance to prosecute the next Assizes, such Person as shall appear by such Examination to have offended contrary to this Act, shall be committed by the Justices to the common Goal of the County, there to remain without Bail or Mainprize, for three Years, unless he shall sooner submit to be examined before the said Justices, or one of them, or in case of their Absence or Refusal, before some other Justice of the said County, and shall enter into a Recognizance to prosecute at the next general Assizes, such Person as shall appear by such Examination to have offended contrary to this Act, in which Case such Justice, by Warrant directed to the Goaler, may discharge such Person out of Goal.

31 Provided no such Examination shall subject the Party examined to any Prosecution, Penalty, or Forfeiture whatsoever, or be permitted to be given in Evidence against him, unless such

person shall be indicted for having committed wilful Perjury in such Examination.

No Contract of Marriage not consummated³² by carnal Knowledge, shall make void a subsequent Marriage consummated by carnal Knowledge.

• If any Person being married, do at³³ any time marry any Person, the former Husband or Wife being alive, and being convicted of such Offence, shall claim the Benefit of Clergy, or of the Statute, and such Claim be allowed, such person, instead of being burnt in the Hand, shall by the Court be ordered to be transported to some of his Majesty's Plantations in *America*, and shall be transported as Persons convicted of Capital Felony.

9 Geo. 2. c. 11. From the 25th of *March*,³⁴ 1737. all Marriages and matrimonial Contracts, where either of the Parties are under the Age of 21 Years had without Consent of the Father (if living) in Writing under his Hand first obtained, or if dead, of the Guardian in the same Manner, or of the Lord Chancellor or Lord Keeper, if no Guardian, shall be void, and shall not be deemed by any Spiritual Court as Marriages or Contracts, if either of the Parties being under the Age of 21 Years, and marrying or contracting without such Consent, be intitled to any real Estate of 100 *l. per. Ann.* or to a personal Estate of 500 *l.* or if the Father or Mother be in Possession of a real Estate of 100 *l. per Ann.* or of a personal Estate of 2000 *l.* Value.

From the Time aforesaid, the Father or Guar-³⁵dian of any Person marrying or contracting under such Age; or if there be no Father or Guardian, any Person appointed by the Lord Chancellor or Lord Keeper, may commence a Suit in the proper Ecclesiastical Court, to disannul such Marriage

Marriage or Contract, which shall be prosecuted with Effect; and if it appears in such Suit by proper Proof, that either of the Parties was under 21, such Marriage or Contract, shall, by such Court, be adjudged void.

36 Provided, if no such Suit be commenced within one Year after the Solemnization of such Marriage or the making such Contract, such Marriage or Contract shall, from the End of the said Year, be good.

37 From the Timeafore said, if any Person of the Age of 21 Years, shall marry, or contract to marry any Person under the said Age, without such Consent, such Person shall forfeit 500 l. in case the Person so married or contracted, when under that Age, be possessed of, or intituled to a real or personal Estate of the Value of 10000 l. but if such Person be not possessed of, or intituled to such Estate, then the Person being of full Age, and so marrying or contracting to marry a Person under the said Age, shall forfeit only 200 l. which Sums shall be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record, one Moiety to his Majesty, the other to him who will sue for the same; and if any Person, being of full Age, be legally convicted in marrying or contracting to marry a Person under such Age, such Person shall likewise be imprisoned for a Year without Bail, in the Goal of the County or place where such Offence is committed: provided no such Forfeiture or penalty shall be incurred, unless the prosecution be within one Year after the Fact committed.

38 From the said Time, no Minister, shall knowingly, in any Church or Chappel where Divine Service is celebrated, publish the Banns of Matrimony between any Persons, whereof

the one is a *Protestant* and the other a *Papist*, nor without a Certificate from three credible Persons of the Parish where the Banns are published, that the parties are both of the *Protestant*, or both of the *Popish* Religion, upon pain of being liable to such Ecclesiastical censure, as he would have been by the Ecclesiastical Laws of this Kingdom, for celebrating a clandestine Marriage.

Provided nothing herein shall lessen or take³⁹ away any of the penalties or Disabilities against any Persons, who contract, celebrate, or are present at any clandestine Marriage, by Virtue of any Laws now in Force in this Kingdom.

This Act shall be publicly read 4 Times in⁴⁰ the Year, in all Parish-churches and publick Chappels, and other places of publick Worship, by the Parson, Vicar or Curate of the Parishes or Chappels, immediately after Morning-Prayers, on four several *Sundays*, (*Viz.*) on the *Sunday* next after the 5th of *May*, in the Year 1736, on the *Sunday* next after the 5th of *August*, on the *Sunday* next after the 5th of *November*, and on the *Sunday* next after the 5th of *February* next ensuing, and on the same Days in every following Year, on pain of 5 *l.* for every Omis- sion, to go to the person first suing by Bill, Complaint or Information, or by Civil Bill.

Marriages of 11 *Geo. 2. cap. 10. pars.* Protestant Dissen-⁴¹
 Dissenters in ters, who have entered, or shall hereafter enter
 their own Con- into matrimonial Contracts in their own
 gregation, good. Congregation before their Ministers or Teach-
 ers, and thereupon live together as Husband and
 Wife, shall not be prosecuted in any ecclesi-
 astical Court *ex Officio mero*, or on the Present-
 ment of any Minister or Church-Wardens, of
 the same.

On taking the Oaths, &c. Provided, that such protestant Dissenters, and⁴²
 Minister or Teacher, have, or shall take the
 Oaths, and subscribe the Declaration, according
 to 6 *Geo. 1. cap. 5.*

Marshallsea.

1 9 Ric. 2. c. 5. En. Priests and others of the Holy Church taken in Marshallsea, shall pay such Fees as Lay-People pay, and no more.

St. Michan's.

1 9 Gul. 3. Sess. 1. c. 41. The Parish of St. Michan's in Oxman-Town in the Suburbs of Dublin, after the 20th of November, 1697. to be divided into 3 Parishes, and to be called the new Parish of St. Michan's, the Parish of St. Mary, and the Parish of St. Paul, according to such Division after mentioned, each of which shall be independent from the other, and have Parochial Rights, as separate Parishes; and that there shall be for each of them, a several parochial Church, and a Rector or Minister several and independent from the other, and so to continue for ever, who shall each of them have Cure of Souls there, and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, Obventions, Ministers-money, Mortuaries, Easter-books and other Duties, Rates, Assessments, or Taxations, as arise, grow, or renew within the same, and ought to be paid. And that there shall be for each of the said Parishes, Church-Wardens, a Parish-clerk and other usual Parish Officers in Succession for ever, who shall perform the Parish-Duties belonging to their Offices, and receive the Profits, &c. of Right belonging to such Offices in Parishes.

2 And after the said 20th of November, all those Houses and Lands on the West Side of Smithfield, and also an Alley there called Peter's Alley, on both Sides, and cross Channel-Row, the Breadth of the said Peter's Alley, to the Countess Dowager of Drogheda's House (excluding

cluding the said House) Westward and Northward, as far as the antient Bounds of the Parish of St. *Michan's* do extend, and from the said West Side of *Smithfield*, Southward by the *Glass-house* (including the said *Glass-house*) as also the Back-Stables, and *Arran's-Key*, to Mr. *Thornton's* House (exclusively) as far as the River *Liffey*; and thence also westward, as far as the Bounds of the Parish reach, shall be the Parish of St. *Paul's*, and so for ever hereafter be called, deemed and taken.

All that part of the Ground or Green with-³ in the Parish of St. *Paul's*, called *Oxman-Town-Green*, lying at the South End thereof, as the same is staked and set out, containing from East to West, 120 Foot, and from South to North, 250 Foot, shall be set apart, and applied to and for ever, after the said 20th of *November*, and enjoyed for the Uses following, *viz.* Such part thereof, (as by the chief Governor or Governors and Council of this Kingdom, shall be appointed for that Purpose) to be for the building of a Parish, Vestry-house and other Rooms and Conveniencies necessary for a Church, and the Residue thereof to be for a Church-yard, which said Church, as soon as the same shall be built, shall be dedicated to the Service of God, and be a separate Parish-church, distinct from the old Parish-church of St. *Michan's*, and be called the Parish-church of St. *Paul*, subject nevertheless to the Visitation of the Ordinary of the Diocess, in such Manner as the Rector of the old Parish was, and no otherwise, and to such other Canons, Rules and Laws Ecclesiastical, as Ministers or Rectors of Churches are usually liable to; and that at every *Easter* in each Year, two Church-Wardens shall be chosen in the Vestry of the said Parish, according to the usual course for choosing such Officers. And

4 And all that Part of the said Parish of old St. *Michan's*, hereafter described, shall after the Day aforesaid, be the Parish of St. *Mary*, and so for ever be called, and taken (That is to say) all that Street called *Caple-street*, from *Essex-Bridge*, all *Strand-street*, to the Corner of *White-Lyon-Court*, including the said Court St. *Mary's-Abby* on both Sides to *Boot-Lane* (exclusively) the Houses of *Edmond Reynel* and *Richard Thompson*, Esquires, and thence up *Drumcondra-Lane*, as far as the old Parish of St. *Michan's* reacheth, and all that part of the said old Parish as it lies Eastward of the said Bounds of the Parish of St. *Mary* already described.

5 All that parcel of Ground within the said Parish of St. *Mary* hereinafter described (that is to say) that Part of Ground on *Piphoe's-Park*, fronting Northwards to the Pavement, on the South-side of St. *Mary's-Street*, over-against Sir *Arthur-Cole's* House, where the Lord Chancellor now dwelleth, containing from East to West, 130 Foot, and from North to South to *Abby-street* 200 Foot, and bounded on the East and West, with the Ground intended for two new Streets not yet named, to be set apart, and applied for ever after the said 20th of *November*, and held and enjoyed, &c. for the building of a Parish-Church, &c. as is shewed here before, f. 3. And to be a separate Parish-Church divided from the old Parish-Church of St. *Michan's*, and be called the Parish-Church of the Parish of St. *Mary*; subject to the Visitation and Power of the Ordinary, &c. (as is shewed before in the Parish of St. *Paul*, f. 3.) and that every *Easter*, Church-Wardens to be chosen as afore-shewed, f. 3.

6 And all the rest of the said Parish of old St. *Michan's* not herein before taken out, or appointed

pointed for the said Parishes of *St. Paul*, and *St. Mary*, or either of them, shall be the new Parish of *St. Michan's*; and that for ever after the said 20th of *November*, shall be so called and taken. And that the new Parish-church in the old Parish-church of *St. Michan's*, and the Rectory thereof shall be called the Prebend of *St. Michan's* belonging to the Cathedral of *Christ-Church, Dublin*, as the old Rectory was; and the same Church with the Church-yard, Vestry-House, &c. belonging to the said old Parish, shall for ever after the Day aforesaid, be for the Use of the Minister and Parishioners of the said new Parish of *St. Michan's*, &c. and that the Rector-Minister of the said Church shall be a Prebendary of the Cathedral of *Christ-Church*, in *Dublin*, as the Rector of the said old Parish of *St. Michan's* was, subject to the Visitation and Power of the Ordinary as the Rector of the old Parish of *St. Michan's* was, and no otherwise; and to such other Canons, &c. and that at the Feast of *Easter* for ever hereafter, two others shall be chosen as aforeshewed.

And the several Rates and Taxations already made and settled, for the several Houses and Lands, within the said several Parishes before the Division thereof, while the Precincts thereof were part of the Parish of old *St. Michan's*, and which were payable to the Minister or Rector of the said old Parish, shall be the Rates and Taxations payable, and to be paid in each of the said new Parishes, to the respective Rectors or Ministers hereby appointed for such new Parish, and their Successors for the said several Houses and Lands, in each of the said new Parishes respectively.

There

- 8 *There are several Clauses which Mr. Meriton hath abridged relating to Commissioners, &c. for erecting the said new Churches, and prescribing a Method for raising Money for that Purpose; but as the Powers therein mentioned, ceased when the Churches were finished, (as you may see by the following Sect.) I have therefore omitted them.*
- 9 And after the said two Churches shall be finished, and the said old Church of St. *Michan's* once repaired, the Minister or Rector and Parishioners of each of the said Parishes, may hold Vestries and make By-laws and Orders, for the Regulation and ordering of their respective Parishes from time to time, Reparations of the said Parish-Churches, and all other Matters incident to Parishes, according to course, and as any other Parishes, of and in the City of *Dublin*, or elsewhere may or can do; which shall have the same, and no greater Force in Law, as By-laws and Orders made in such other Parishes have or ought to have.
- 10 The Right of Patronage of the said Rectories, and of Presentation to the said three Churches, on the Avoidance of each of them respectively, by the Death, Cession or Removal of the respective Incumbents hereby appointed for the same, shall belong unto the Dean and Chapter of *Christ-Church* in *Dublin*, and their Successors for ever, as the Nomination or Presentation to the Rectory of the old Parish of St. *Michan's* did belong to them, and no otherwise.
- 11 The Sum of 12 *l.* 11 *s.* being payable to the King, for the first Fruits of the said old Parish of St. *Michan's* shall be paid and born by all the said Parishes, in manner and according to the Proportions following, *viz.* The Sum of 3 *l.* part thereof by the Minister or Rector of the said Parish of St. *Paul's* for the Time being,

ing, 4 *l.* more thereof by the Rector or Minister of the said Parish of St. Mary's for the Time being, and 5 *l.* 11 *s.* residue thereof, by the Minister or Rector of the said new Parish of St. Michan's, for the time being; and the 20th part also due to the King, for the said old Parish, shall be paid and born by the Ministers of the said several Parishes respectively, according to the same Proportions, as the said First-Fruits are hereinbefore appointed to be paid.

Mines and Minerals.

10 Geo. 1. c. 5. All Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, Parsons, Rectors, Vicars, all Bodies politick and corporate, Colleges, Cathedral or Collegiate Churches and Hospitals, by Indentures under Hand and Seal, whereof Counter-parts are to be executed by the Lessees, may make Leases not exceeding 31 Years, of all Mines and Minerals whatsoever, found, or to be found and discovered, within their respective Mannors, Glebes or Lands, so as the same be made to commence in Possession, without Fine or other Consideration, than the yearly Rent reserved; and so as the most improved Rent that can be reasonably gotten for the same, be reserved upon every such Lease, and that such Rent be not less in Value than one tenth Part or Share of the Ore to be dug and raised out of such Mines or Minerals, without regard to the Charges in digging and laying the same on the Bank; and so as such Rent be made payable to the Lessor or other Person, as should from time to time have been entitled to the Benefit of such Mines or Minerals.

Every Person to whom the said Mines shall be demised, may build such Houses convenient for working the said Mines, and may dig and make

make Turf for the Use of the said Houses where the same shall be, in Boggs or Mountains. Only, making, to the Person entitled to the Possession of the said Lands, such yearly or other reasonable Allowance, for the Damage sustained upon Account of digging such Mines, raising and carrying away the Ore, or for the building such Houses, or the digging such Turf, as shall be agreed upon between the Parties interested therein; and if the Parties do not agree, such Damages shall be determined and ascertained by a Jury of 12 Freeholders of the County, where such Mines or Minerals shall be opened, dug or found, upon their Oaths, in presence of two or more Justices of Peace for such County.

3 If the said Parties do not agree, any two neighbouring Justices of the Peace for the County, shall issue a Precept in Writing, under Hand and Seal, requiring the Sheriff of the County to return 24 Free-holders at least, at such time and place, as shall in such Precept be appointed, due Notice of which time and place shall be given to both Parties, out of which 12 indifferent Men shall be sworn, to try and ascertain the Damages, and Allowance to be made for the same; and the said two Justices shall certify such Finding under Hand and Seal, into the Court of *King's-Bench*, which shall be there recorded; and the like Process shall issue thereon, as in case of a Judgment upon a Writ of Inquiry of Damages.

4 Provided, before the said 12 Men shall make any Return for the ascertaining the Damages, six of them at least, shall personally view the several places where the Damages are alledged to be done.

5 Provided no Person, in pursuance of this Act, shall open, dig for, or work any Mines or Minerals, in any Land belonging to any Archbishop,

bishop, Bishop, Dean, Archdeacon, Prebendary, or other Dignitary Ecclesiastical, Parson, Rector or Vicar, whereon any Church, House or Out-house shall be erected, or wherein any Church-yard, Garden, Orchard or Avenue, are, or shall be made or planted.

Provided no Person, in pursuance of this Act, 6 shall open, search for, or work any Mines or Minerals, in any Spot of Ground whereon any House, Back-side, Garden or Avenue, are, or shall be, without the Licence of the Tenant or Possessor thereof, and of every other Person seized of the immediate Reversion and Inheritance of the Lands expectant on the Lease made in Fee-simple or Fee-tail, first had in Writing.

Provided, if any Mortgagee of any Lands, 7 or Tenements, shall make such Lease as aforesaid, the same shall be void, against the Person intituled to the Equity of Redemption thereof, unless such Person shall join in such Lease, or otherwise agree thereto.

All Leases in pursuance of this Act, shall be 8 good, not only against the Lessor, but against their Successors, and every other Person claiming any Estate, Right, &c. in Reversion or Remainder, expectant on the Determination of the Estate of such Tenant for Life, Tenant in Dower, or by the Curtesy, in or out of any Mines so to be demised.

Provided, if any Person who shall take or 9 claim any Estate or Interest in any Mine or Mineral, under any Lease made in pursuance of this Act, shall not begin effectually to work in such Mine, within one Year next after the Commencement of such Lease, or shall after the first Year, neglect to keep 6 able Workmen therein employed, for 150 Days, in any one Year during the Term in the said Lease, for the effectual carrying on the said Work; in either of the said

said Cases, the Lease so made shall be null and void, both in Law and Equity.

10 The Lessor, or other Person intituled to the Rent reserved on such Lease, may re-enter on the demised Premises, and the same have again and enjoy, as in his former Estate.

11 Saving to His Majesty, &c. all such Rights of pre-emption of Ore, and all other Rights, Duties and Demands whatsoever, in or out of any Mines, Minerals or Ore, as His Majesty, &c. might have been intituled unto, if this Act had not been made.

Ministers.

1 17 & 18 Car. 2. sess. 5. c. 7. The Lord Lieutenant or other chief Governor or Governors, and 6 or more of the Privy Council of this Kingdom, are impowered to allot and charge, or cause to be allotted and charged, any Sum or Sums of Money, to be paid to the several Incumbents and their Successors, within the City and Suburbs of *Dublin*, and Liberties thereunto adjoining, and other Cities and Towns corporate in this Kingdom, who have actual Cure of Souls in each Parish respectively, out of each House and Houses belonging to the said Parish (whether it be by apportioning by yearly Value, or otherwise) so as the same Payment do not exceed 12 *d. Sterl.* for every Pound of yearly Value of every House, as the same shall be valued upon Oath (by Commissioners appointed under the Great Seal of this Kingdom, by Direction of the said Lord Lieutenant, &c.) in which Valuation, no House is to be returned at above 60 *l.* yearly, tho' the same do exceed that Value.

2 The said Commissions, from time to time, shall be returned to the Clerk of the Council,
under

under the Hands and Seals of the Commissioners; and after such Allotment so made, and Sums of Money ascertained, charged and set forth, to be paid as aforesaid, and approved by the Lord Lieutenant, &c. such Charge on each Inhabitant of each House, shall be as good in Law, as if the very same Sum so charged had been particularly expressed and enacted to be paid out of each House; and the Sum allotted and charged upon each Inhabitant, shall be received by the Church-wardens, and paid to the several Incumbents and their Successors, by 4 equal Portions every Year, viz. The Feast of the Nativity of our Blessed Lord and Saviour, the Annunciation of the Blessed Virgin Mary, St. John Baptist, and St. Michael the Archangel.

And in case any Inhabitant refuse or delay to pay (upon the Church-wardens Demand) the Sum charged on the House wherein he dwelleth, at any of the Days or Times aforesaid; then the said Church-wardens may enter into the said House, and distrain on the several Persons so in Arrear, and carry away the Distress or Distresses, and sell the same to pay the Incumbent, such Money as shall be due to him, and deliver the Remainder unto said Inhabitant: And if the Church-wardens shall fail to do their Duty herein, then to be punished for their Neglect, as the Lord Lieutenant, &c. and Council of this Kingdom shall think fit.

No Commission by virtue of this Act, shall be directed or issue for Valuation (in any one Parish) of any Houses hereafter to be built, oftner than once in three Years.

Such Punishment as by this Act may be imposed by the Lord Lieutenant, &c. upon Church-wardens, for neglecting their Duties required by this Act, shall not extend to any other kind of

of Punishment, than by one or more Fine or Fines, or Imprisonment, without Bail, if they think fit; the Fine not to exceed 5 *l. Sterl.* for such Offence, and Imprisonment, not to exceed one Month at any one time for any one Offence.

Mortmain.

- 1 *Magna Charta*, 36. 9 *Hen.* 3. *En.* If any shall give Lands to a religious House, the Grant shall be void, and the Land forfeit to the Lord of the Fee.
- 2 *Statute of Gloucester, alias de Religiosis.* 7 *Ed.*
 1. *En.* If Lands be any way alienated in (*a*) *Mortmain* to a religious Person or other, the King or other Lord immediately may enter within a Year after such Alienation; and if such Lord neglect it, the next Lord to him may enter within half a Year after; and if all the mean Lords (being of full Age within the four Seas, and out of Prison) neglect to do it, after the Year the King may enter.
- 3 *West.* 2. 32. 13 *Ed.* 1. *En.* Ecclesiastical Persons being debarred by the former Statutes to obtain Lands in *Mortmain* by Alienation, endeavoured fraudulently to obtain them by default in a Suit: And therefore in such Case it

M

was

(*a*) *Mortmain*, from *manus mortua*, because Lands when given to Ecclesiastical Persons, were said to come to dead Hands, as to the Lords, for that by Alienation in *Mortmain*, they lost wholly their Estates, and in effect their Knights Services, for the Defence of the Realm, Wards, Marriages, Reliefs, and the like, and therefore was called a dead Hand, for that a dead Hand yieldeth no Service; and these were the Causes of making the several Statutes against such Alienations, as the Statutes at large recite.
1 *Inſt.* 2. 6.

was ordained by this Statute, that it should be enquired by the Country whether or no the Demandant had a just Title thereto, and if so, then he should recover Seisin, but if otherwise, the Lord of the Fee should enter, as aforesaid. And by this Statute, each mean Lord hath a full half Year given him after the Lord next before him, until it come to the King. And here also the Lords, as also the King, are allowed their Challenges. — After the Judgment given, the Land shall remain clear in the King's Hand until it be deraigned by the Demandant, or some other chief Lord, and the Sheriff shall be charged to answer for it in the *Exchequer*.

Ordinatio de perquirendis Libertatibus, 27 Ed.

1. *En.* To obtain Licence to make a Park, or to amortize Lands, the Writ *Ad quod damnum* shall issue out of the *Chancery* to enquire concerning the same. — Here Inquisitions of Lands that shall be found (by Extent) to be worth yearly more than 28 s. shall be returned into the *Exchequer*, and there the Parties shall make fine for the Amortizements, and for the Park, if the Inquisition pass for them, and afterwards the Chancellor (or his Deputy) shall have order to do his Duty therein. — When the yearly Value of the Lands exceed not 20 s. the Inquisition shall be returned to the Chancellor, and he (or his Deputy) shall rate and take the Fine according to the Quantity of the Land. — The like shall be done by such as purchase Lands holden of the King in chief. — If Persons dwelling beyond Sea, and having Lands or Rents in *England*, are desirous to purchase Letters of Protection, or would make General Attornies, they shall be first sent to the *Exchequer* to make their Fines, and from thence to the Chancellor (or his Deputy) for that which he ought to do therein. — In like manner shall they do

- do that will purchase any Fair, Market, Warren, or any other Liberty. All such as will purchase Instalment of their Debts shall be sent into
- 11 the *Exchequer*. — Also such as are unable to travel, or dwell in remote parts from the *Chancery*, which plead or be impleaded, shall have a Writ out of the *Chancery* to some sufficient Man that shall receive their Attornies,
- 12 when need is. — For the better Remembrance of these Things, there shall be a tripartite Indenture made; whereof one shall remain in the *Chancery*, another in the *Exchequer*, and the third in the *Gardrobe*.
- 13 *Statute of Amortizing Lands, 34 Ed. 1. En.* Lands shall not be alienated in Mortmain where there be mean Lords, without their Consent declared under their Seals: Neither shall any thing pass where the Donor reserveth nothing to himself, or when the Inquisition is made and returned without Warrant, viz. without the original Writ returned with the Inquisition; and unless the Original make mention of every thing according to the new Ordinance devised by the King.
- 14 *Statute of Writs* for making Inquisition of Lands to be put to Mortmain, *incerti temporis*. Writs *ad quod damnum* for Amortizing Lands shall not be granted, but upon Petition in full Parliament.
- 15 *De Clero, 3. 18 Ed. 3. En.* If Prelates, Clerks beneficed, or other People of Religion, being impeached for purchasing Lands in *Mortmain*, shew the King's Charter of Licence, and Process thereupon made by an Inquest of *Ad quod damnum*, or of the King's Grace, or by Fine, they shall be in Peace: And albeit they cannot sufficiently shew that they have entred by due Process after Licence to them granted in

general or special, yet they shall be well received to make a convenient Fine for the same.

15 Ric. 2. c. 5. *En.* It is within the Com-16
pass of the Statute of 7 E. 1. to convert any
Land into a Church-yard, albeit it be done by
the Consent or Connivance of the Ter-tenant,
and confirmed by the Pope's Bull. — If any 17
be seized of any Lands or other Possessions to
the Use of any Spiritual Person with purpose to
amortize them, and whereof such Spiritual Per-
son takes the Profits, they shall before the Feast
of St. Michael next, cause them to be amortized
by the Licence of the King and other Lords, or
dispose of them to some other Use; otherwise
they shall be forfeit according to the Form of
the said Statute, as Lands purchased by People
of Religion: And no such Purchase to the Use
of such Spiritual Persons shall be hereafter made,
upon like pain. — The same Law shall likewise 18
be of Lands or other Possessions purchased to
the Use of Guilds, and Fraternities: Also
Lands purchased by Corporations, or to their
Use, shall be within the Compass of the said
Statute *de Religiosis*.

News.

West. 1. 3 Ed. 1. c. 33. *En.* None shall
report any false or slanderous News or Tales,
whereupon Discord may arise betwixt the King
and his People, or the great Men of the Realm,
in pain of Imprisonment until he produce the
Author.

2 Ric. 2. Stat. 1. 5. *En.* None shall devise, 2
speak or tell any false News, Lies, or other such
false

False thing of Prelates, Lords, or the great Officers of the Realm, whereby any Disorder or Slander may arise, in pain to be punished as by the Statute of *West.* 1. is ordained.

3 12 Ric. 2. c. 11. *En.* When any one hath spoken Falsties, contrary to the aforesaid Statute, and cannot produce the Author, and is thereupon imprisoned, he shall afterwards be punished by the King's Council notwithstanding the said Statute of *West.* 1.

Nisi Prius.

Where Affizes of *Quare Impedit* and *Darrein Presentment* are triable in the Country by *Nisi Prius*, before the Justices of either Bench, the Chief Baron, or Justices of Assize, they may there give Judgment upon them.

Mobility of Ireland.

10 Car. 1. *Sess.* 3. c. 12. Every Person being an Earl, Viscount, or Baron of this Kingdom, and having Place and Voice in Parliament, though resident in *England* or elsewhere, shall be liable to all publick Payments and Charges, which shall be taxed or assessed in any Parliament in this Kingdom, or by Authority thereof; and shall from time to time contribute thereunto, and pay their rateable parts thereof, in such manner as others of their Rank, resident in this Kingdom, are liable unto, and shall pay.

10 and 11. *Car. 1. sess. 4. c. 3.* All Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries and other Dignitaries Ecclesiastical, and likewise Masters and Governors, and Fellows of Colleges and Hospitals may grant any antient Office concerning their or any of their Land or other Possession, or concerning the Attendance upon their Persons or Churches, together with all and every the like Pensions, Annuities, Fees and other Profits, as were formerly accustomed to be granted, had and enjoyed therewith.

Ordinaries. See Administrators.

West. 2. 19. 13 Ed. 1. En. Where any Intestate dies in Debt, and the Goods come to the Ordinary to be disposed, in this case the Ordinary shall satisfy the Debts so far as the Goods extend, in such sort as the Executors of such Person should have done in case he had made a Testament.

18 *Ed. 3. Stat. 3. c. 6. En.* Temporal Justices shall not make Enquiries of Process awarded by the Spiritual Judges, saving only the Article in Eyre, such as ought to be.

25 *Ed. 3. Stat. 3. 9. En.* The Justices shall not impeach Ordinaries or their Ministers upon Indictment of general Extortions or Oppressions, unless they put in certain, in what Thing, of what, and in what manner the Ordinaries or their Ministers have committed Extortion or Oppression.

Papists.

What Papists to depart the Kingdom, or the Penalty,

7 & 9 *Gul. 3. sess. 1. c. 26.* All Popish Archbishops, Bishops, Vicars General, Deans, Jesuits, Monks,

- Monks, Friars, and all other Regular Popish Clergy, and all Papists exercising any Ecclesiastical Jurisdiction, shall depart this Kingdom before the first of *May*, 1698. And if any of them, shall be at any Time after the said Day within this Kingdom, they shall be imprisoned, and remain there without Bail till they be transported beyond the Seas out of the King's Dominions, wherever the King, His Heirs or Successors, or Chief Governors of this Kingdom shall think fit: And if any so transported, shall return again into this Kingdom, then to be guilty of High-Treason, and to suffer accordingly.
- 2 And all such Popish Archbishops, Bishops, &c. in this Kingdom, shall before the said 1st of *May*, repair to the City of *Dublin, Cork, Kingsale, Youghall, Waterford, Wexford, Gallway, or Carrickfergus*, and there remain until there shall be Conveniency of Shipping for their Transportation, as aforesaid. Every of them on their first coming into any of the said Cities or Towns, giving in their Names to the Mayor, or other Chief Magistrate, who shall register the same, and return an Account thereof to the Clerk of the Council within 10 Days. And the said Mayor, &c. and also the Collector and Surveyor of the Port, shall give their best Assistance in transporting them.
- 3 And from the 29th of *December*, 1697. no Penalty for Popish Archbishop, &c. shall come into this Kingdom from any Parts beyond the Seas, on coming or returning into this Kingdom, Pain of 12 Months Imprisonment, and then to be transported in manner aforesaid; and if after such Transportation, any of them return again into this Kingdom, they shall be guilty of High-Treason, and suffer accordingly. *Post, f. 24. 95.*
- 4 And any Person that shall from the First of *May*, knowingly conceal, or entertain any such Popish Archbishops, Bishops, &c. hereby required Concealing such Papists, the Penalty.

red to depart out of this Kingdom, or that after the said Day shall come into this Kingdom, shall for the first Offence, forfeit 20 Pounds, for the Second double the Sum, and if he offend the third Time, shall forfeit all his Lands and Tenements of Freehold or Inheritance, during his Life; and also all his Goods and Chattels, one Moiety to the King, His Heirs and Successors, and the other Moiety to the Informer (so as it exceed not 100 Pounds) and the Surplusage of what shall remain, to the King, His Heirs and Successors, the said Forfeitures, for such third Offence, to be recovered by Bill, Plaint, &c. in any of the King's Courts of Record at *Dublin*, or at the Assizes in the respective Counties.

Justices to
summon the
Concealers.

And that upon Information upon Oath to any Justice of the Peace in his respective County, against any that shall knowingly entertain, &c. any such Popish Archbishop, Bishop, &c. the said Justice of the Peace shall immediately issue a Summons in Writing under his Hand, requiring the Persons so informed against (at a certain Day and Place within the said County, where the Offence shall be committed) to appear before him and some other Justice of the Peace of the said County, to answer the Charge, at which Time and Place, they shall, in Presence of the Persons accused, or in case of Default of Appearance (being duly summoned) proceed to the Examination of the said Matter; and if it shall appear to them on Evidence upon Oath, that the Persons complained of are guilty, then the said Justices shall by Warrant under their Hands and Seals, levy the said Forfeitures of 20 Pounds for the first Offence, and 40 for the second Offence, of the Goods and Chattels of the Offenders, by Distress, Sale or otherwise; and dispose of one Moiety thereof to the Informer, and the other Moiety to the Treasurer of the County

County where the Offence shall be committed, for the Use of the County, and for Default thereof, to commit the Person offending to the County Goal, there to remain without Bail, until Payment of the said Forfeitures.

- 6 And none shall from the said 29th of *Decem-* Not to bury in suppressed Monasteries, &c.
cer, bury any Dead, in any suppressed Monastery, Abby or Convent, that is not made use of for celebrating Divine Service, according to the Liturgy of the Church of *Ireland* by the Law established, or within the Precincts thereof upon Pain of 10 Pounds, to be recovered from any that shall be present at such Burial, which Forfeitures, all and every Justice of the Peace within his and their respective Counties, shall hear and determine in manner as herein before is declared, one Moiety of which last Forfeitures shall be (by the said Justice) given to the Informer, and the other to the Minister and Church-Wardens of the Parish, where any such Offences shall be committed, to be disposed of for the Use of the Parish.

- 7 If any think themselves aggrieved by the De- Appeal from the Justices.
 termination of such two Justices of the Peace, they may appeal to the next Judges of Assize, or to the Justices of the Peace at the next General Quarter-Sessions, who may examine the Matter, and give such Relief therein as to them shall seem meet.

- 8 All Justices of the Peace shall, from time to Justices to issue Warrants against Popish Clergy, and for suppressing Friaries, &c.
 time, issue out their Warrants for apprehending and Committal of all Archbishops, Bishops, &c. and other Ecclesiastical Persons that shall remain in this Kingdom, contrary to the Tenor of this Act, and for suppressing all Monasteries, Friaries, Nunneries, or other Popish Fraternities or Societies.

And

To give an Account of their Proceedings. And they are also to give an Account in Writing of their Proceedings in the Execution of this Statute, at the next Quarter-Sessions for the County in which they dwell, which shall at such Quarter-Sessions be entred and registred.

Penalty on Justices Neglect. And if any Justice of the Peace, Mayor, or other Officer, shall neglect doing their Duty, they shall for every such Neglect, forfeit 100 Pounds, to be recovered by Action of Debt, &c. in which no Effoin, &c. shall be allowed; one Moiety thereof to the King, His Heirs and Successors, and the other Moiety to the Informer or Person that will sue for the same, and be disabled from serving as a Justice of the Peace during his Life.

Penalty on Popish Clergymen coming into this Kingdom, &c. 2 Ann. sess. 1. c. 3. Every Popish Clergy-man coming into this Kingdom after the First of January, 1703. shall be liable to such Penalties, Forfeitures and Punishments as are imposed on Popish Archbishops, Bishops, &c. by 7 W. 3. c. 26. And any Person knowingly harbouring, relieving, concealing, or entertaining such Popish Clergy-man, shall be liable to such Penalties as are imposed on the Harbourers, Relievers and Concealers of such Popish Archbishops, Bishops, &c. by the said Act, and to be levied on them as the said Act directs.

Who may apprehend them. All Civil Officers, and other Subjects, are required to use their utmost Diligence in apprehending all such Regular, and other Popish Priests who shall come into this Kingdom contrary to this Act.

Penalty on Officers neglecting their Duty. If any Mayor, Justice of the Peace, or other Officer, shall neglect to do his Duty in Execution of this Act, he shall for every such Neglect forfeit 100 l. to be recovered by Action of Debt, &c. one Moiety to her Majesty, &c. the other to him that will sue for the same, and be disabled

ted from serving as a Justice of Peace during his Life.

- 14 Every Person returning into this Kingdom, contrary to the aforesaid Act, may be indicted and tried in such County where the Party shall be taken, or in any County where her Majesty, &c. by Commission under the Great Seal shall appoint. Returning into this Kingdom, where to be tried.

- 15 Where any Papist do or shall claim or enjoy any Advowson of Churches, Right of Patronage, or Presentation to any Ecclesiastical Benefice, or any Protestant in Trust or for the Use of such Papist, every such Advowson, &c. is hereby *ipso facto* vested in her Majesty, &c. according to such Estates as such Papist had, until such time as such Papist, or the Heir or Heirs of such Papist shall take the said Oath, and subscribe the said Declaration and Abjuration, and conform, as aforesaid. Gul. & Mar. s. 1. c. 26. En. Advowson, &c. of Papists, to be vested in the King.

- 16 All Pilgrimages to St. *Patrick's Purgatory*, or Pilgrimages meeting at Wells, shall be deemed Riots and unlawful Assemblies, and punishable as such; and all Sheriffs, Justices of the Peace, and other Magistrates, are required to put the Laws against

- 17 such Offenders in due Execution.—All Persons meeting or assembling at St. *Patrick's Purgatory*, or at any such Well or Place, being convicted thereof by his own Confession, before a Justice of Peace or a Chief Magistrate, or by any one or more Witnesses upon Oath, shall forfeit 10s. to be paid at such time as by the said Justice of Peace, &c. shall be appointed, one Moiety to the Informer, procuring such Offender to be convicted, and the other to the Poor of the Parish where such Offender shall be convicted; and if such Offender shall neglect or refuse to pay the said Sum, then the said Justice or Chief Magistrate shall commit such Offender to some Constable or other inferior Officer of the place where the Meeting at Wells, the Penalty.

Selling Ale,
&c. at such
Meetings, the
Penalty.

Magistrates
to demolish
Crosses, &c.

Then Popish
Priests to re-
turn their
Names, &c.

Or the Penal-
ty.

the Offence shall be committed, or the Party apprehended, to be publickly whipped, which Punishment shall be inflicted by such Constable, &c. within 24 Hours after such Order received. — Every Person that at such Assemblies shall build Booths, sell Ale, Victuals or other Commodities, and shall be convicted thereof, by the View of any Justice of Peace or Magistrate, within their Jurisdiction, or by Confession of the Party, or by the Oath of one or more Witnesses, before such Justice of the Peace, &c. shall forfeit 20*s.* to be forthwith levied by Distress and Sale of the Offender's Goods, and in default of Distress, by Imprisonment of the Party till Payment thereof, which Penalty of 20*s.* shall be applied to the Use of the Publick, in such manner as the Justices of Peace, at their Quarter-sessions, shall appoint. — All Magistrates are hereby required to demolish all Crosses, Pictures and Inscriptions, that are any where publickly set up, and are the Occasions of any Popish Superstitions.

2 *Ann. sess. 1. c. 7.* Every Popish Priest, who is now in this Kingdom, shall at the next Quarter-sessions to be held in the several Counties, or Counties of Cities or Towns, next after the Feast of *St. John Baptist*, 1704, return his Name and place of Abode to the Clerk of the Peace in the County, or County of City or Town, where he resides, together with his Age, the Parish of which he pretends to be Popish Priest, the time and place of his first receiving Popish Orders, and from whom; and shall then enter into a Recognizance, with 2 sufficient Sureties, each of the Penalty of 50*l.* to be of peaceable Behaviour, and not remove out of such County where his Abode is, into any other part of this Kingdom — Every Popish Priest that shall not make such Return, and enter into such Re-

- Recognizance, as aforesaid, and being thereof convict at the Assizes or Quarter-sessions, of such County, &c. wherein he dwells or is apprehended, shall be committed to the common Goal,
- 22 there to remain until he be transported.----Every popish Priest so convict, as aforesaid, shall be transported in like manner as Popish Regulars, and incur the like Penalties, upon their Return,
- 23 as is directed by 9 *Gul.* 3. c. 26.----Every Clerk of the Peace shall transmit, within 20 Days after such Quarter-sessions, to the Clerk of the Council, every such Return, on Penalty to forfeit 10*l.* to Her Majesty, &c. for every such Neglect, to be recovered by Bill, Complaint or Information, in any of her Majesty's *Courts of Record*, which Transmitting of the said Return, shall be incumbent on the said Clerks of the Crown and Peace, to prove by a Receipt in Writing under the Hand of the Clerk of the Council, who shall give the same without Fee, on Penalty of 20*l.* to be recovered by Bill, &c. which Return so transmitted, shall be kept by the Clerk of the Council, to be viewed by any Person without Fee.
- 24 Every Popish Priest, being approved of as a Popish Priest Convert, and received into the Church by the Archbishop or Bishop of the Diocese wherein he lived, and conforming himself to the Church of *Ireland*, as by Law established, and having taken the Oaths, and made and subscribed the Declaration, as the conformable Clergy are obliged to do, at any Quarter-Sessions, in any County or City, as aforesaid, such converted Priest shall receive 20*l.* yearly, during his Residence in such County, for his Maintenance, and till he is otherwise provided for, subject to Suspension or Deprivation of the Bishop of the Diocese, in the like manner as the inferior Clergy; the said Sum to be levied on the Inhabitants of the County,
- &c.
- Clerks of the Peace to transmit such Returns or the Penalty.
- Popish Priests converting to have 20*l.* yearly, *Post. f.* 30.

&c. where such Convert did last officiate or reside, as Money is levied that is charged by Grand-Juries to be paid him by equal Moieties, at the *Annunciation* and *St. Michael*, in every Year; and such Convert shall publickly read the Common-Prayer, or Liturgy of the Church of *Ireland* in *English* or *Irish*, in such Places, and at such Times as the Bishop of the Diocese shall direct.

Popish Priests No Popish Priest shall have any Popish Curate, &c. Assistant or Coadjutor. Every Popish Priest that shall neglect to register himself, as aforesaid, shall depart out of this Kingdom before the 20th Day of July, 1704. on pain of being prosecuted as a Popish Regular Clergyman, and shall be esteemed and prosecuted as such.

Penalty.

This Act shall be given in Charge at every Assizes, and the List of such Priests as are registered, shall be publickly read, after the Charge given, and is made perpetual by 8. Ann. c. 3.

Penalty on un-registered Priests,

2 Ann. sess. 2. c. 2. Every Person whatsoever exercising the Office or Function of a Popish Priest, found in this Kingdom after the 24th of June, 1705, other than such as are registred, pursuant to the above Act, shall be liable to such Penalties, Forfeitures and Punishments as are imposed on Popish Archbishops, Bishops, &c. by 7 Gul. 3. c. 26. Exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom contrary to the said Act, and Persons knowingly Harboursing, Relieving, Concealing, or Entertaining any such Person exercising the Office or Function of a Popish Priest, and not registred, shall be liable to such Penalties and Forfeitures as by the said Acts are imposed on the Harboursers, Relievers, and Concealers of any Popish Archbishop, Bishop, &c.

All

- 29 All Civil Officers and other Subjects are re-^{Magistrates to} quired to use their utmost Diligence, in apprehend-^{apprehend} ing all such Persons exercising the Office of them.
Popish Priests, and not registred, as aforesaid.
- 30 If any Mayor, Justice of Peace, or other Of-^{Penalty on} ficer, shall neglect, knowingly and voluntarily ^{Magistrates} to do his Duty in Execution of this Act, he neglecting.
shall for every such Neglect, forfeit 50 l. to be recovered by Action of Debt, &c. one Moiety to her Majesty, &c. the other to him that will sue for the same. *This Act made perpetual by 8 Ann. c. 3.*
- 31 Every Popish Priest converted, and conform-^{Popish Priest} ing according to the 2 *Anne, Sess. 1. c. 7.* or ^{converting} who shall convert within seven Years from the ^{shall have 30 l.} first of *September, 1709*, shall receive 30 l. *Sterl.* yearly, and no more, by virtue of this or any former Act, during his Residence in such County, for his Maintenance, and until he be otherwise provided for, by some Ecclesiastical Benefice or Curacy of the like or greater Value, subject to Suspension or Deprivation of the Bishop of the Diocese, wherein he shall reside, as any the inferior Clergy are subject to, the said Sum of 30 l. to be levied on the Inhabitants of such County where such converted Priest did last reside, in like manner as Money is levied that is charged by Grand-juries, and to be paid him by equal Parts, one Moiety at the *Annunciation*, and the other at the Feast of *St. Michael*, in every Year; and every such Convert is hereby required, under Penalty of forfeiting his Allowance publickly to read the Common-prayer or Liturgy of the Church of *Ireland*, and preach once a Week in the *English* or *Irish* Tongue, in such Places, and at such Times, as the Bishop shall appoint.
- 32 Every Popish Parish Priest that shall keep any ^{Penalty for} Popish Curate, Assistant or Coadjutor, ^{keeping a Cu-} shall lose ^{rate, &c.}

lose the Benefit of having been registred, and shall incur all the Penalties of a popish Regular, and shall be prosecuted as such; and every such popish Curate, Assistant or Coadjutor, shall be deemed as a popish Regular, and prosecuted as such.

11 & 12 W. 3.

c. 4. En.

Reward for
discovering
Papists exer-
cising Ecclesi-
astical Juris-
diction.

Post. f. 92.

Ante. f. 14.

If any Person, after the first of September, 1709, shall discover any Archbishop, Bishop, Vicar-General, Dean, Jesuit, Monk, Fryar, or any other Regular popish Clergy-man, or any Papist exercising any Ecclesiastical Jurisdiction, or any Secular popish Clergyman who hath not been legally registred, so as the said Regular or Secular Clergyman be apprehended and legally convicted, every such Person making such Discovery, shall receive as a Reward for the same the Sum of 50 *l. Sterl.* for every Archbishop, Bishop, Vicar-general, or other Person exercising any foreign Ecclesiastical Jurisdiction, and the Sum of 20 *l.* for each Regular Clergyman, and each Secular Clergyman not registred, pursuant to the said former Act, to be levied on the popish Inhabitants of the County where such Regular or Secular popish Clergyman did exercise such foreign Jurisdiction, or officiate as a popish Priest, and shall be convicted thereof, as aforesaid, the same to be levied in such manner, and on such Persons, as Money for Robberies, by *An Act against Tories, Robbers and Rapparees* is to be levied, where the Robbery or Burglary is presented by the Grandjury, to be committed by Papists only, and to be levied in the County and County of the City of *Dublin*, in such manner, and on such popish Persons as other publick Money is levied at the general Quarter-Sessions of the Peace, in the said County or County of the said City.

Any

- 34 Any two Justices of the Peace, whereof one Two Justices to be of the *Quorum*, by Warrant under their may summon Hands and Seals, directed to any Constable, in Persons as to the said County, may summon any popish Per- hearing Mass, son of the Age of sixteen Years or upwards, to &c. appear before such Justices at a certain Time and Place in the said Warrant expressed, within three Days after the Date thereof, so that the place of Appearance be not above five Miles from the Habitation of the said Person; and if the said Person so summoned shall neglect or refuse to appear accordingly, or appearing, shall refuse to give his Testimony upon Oath, where and when he heard or was present at the celebration of the popish *Mass*, as the same is used in the Church of *Rome*, and who celebrated the same, and who and what Persons were present at the Celebration thereof, and likewise for and touching the Being and Residence of any popish Regular Clergyman, or any such popish Secular Priest as aforesaid, who may be disguised or itinerant in the Country, and also fully answer to all such Matters touching such popish Persons offending contrary to this or *2 Anne, Sess. c. 6.* Vide Schools and School-masters. such Person so refusing or neglecting to appear or to answer, as aforesaid, shall be committed, by the said Justices, to the common Goal for twelve Months, unless he or she shall pay down a Sum not exceeding 20*l.* to be paid to the Minister, Church-Wardens, and Overseers of the Poor of the Parish where the Offender shall reside (for the use of the Poor of the Parish) who shall be accountable for the same. Penalty for not appearing.
- 35 Provided, every Examination to be given in Vide Schools, and School-Masters. pursuance of this Act, shall be for such of the said Offences only, as were committed within Examination to be in 30 Days. thirty Days before such Examination, and no such Examination shall subject the Party examined to any Prosecution, Penalty or Forfeiture N whatsoever,

Perjury by
Examinant.

whatsoever, or be given in Evidence against the Person so examined, unless such Person shall be indicted for having committed wilful Perjury in such Examination; and the Person so examined and confessing, is hereby discharged from any Prosecution or Penalties, &c. by him incurred by reason of any Offence so confessed, and not otherwise.

Registred
Priests to take
the Oath of
Abjuration,
or Penaly.

Every popish Priest who hath been registred³⁶ pursuant to the said former Act, shall take the Oath of Abjuration, before the 25th of *March*, 1710. in one of *Four-Courts* at *Dublin*, or at some Quarter-Sessions held for the Place where such popish Priest hath been registred, and upon Neglect or Refusal, and after the 25th of *March*, celebrating *Mass*, or officiating as a popish Priest, such popish Priest shall incurr such Penalties as a popish Regular Clergyman convict is liable unto.

Persons of the Age of 16 or upwards, refusing³⁷ to take and subscribe the Oath of Abjuration, upon Summons by a Justice, and neglecting or refusing to appear without Lawful Impediment, to pay down a Sum not exceeding 40s. to be paid to the Church-Wardens or Overseers of the Poor.

Priest to offi-
ciate in his
Parish only
for which re-
gistred.

From the first of *September*, 1709. no Popish³⁸ Priest shall exercise the Office or Function of a Popish Priest, but in the Parish where the said Popish Priest did officiate at the Time of registering the Popish Clergy, and for which Parish also he was registred, and in no other Parish whatsoever, under the Penalties as any Popish Regular convict is liable unto.

Popish Clergy
to be transpor-
ted shall be
sent to Goal.

Every Popish Archbishop, Bishop, Vicar-Ge-³⁹ neral, Dean, Jesuit, Fryer and Papist exercising Ecclesiastical Jurisdiction, and every popish Priest, and Papist, who by offending against this or any former Act, are or shall be liable to Transportation, shall within three Months be transmitted

transmitted by Order of the Justices of Assize, or Justices of Peace, in the Quarter-Sessions, to the common Goal of the next Sea-port Town, there to remain until transported.

40 All Masters of Ships and others, may receive *Vide Schools and School-masters.* the Body of such popish Regular Clergyman, popish Priest, and popish School-master, so now remaining in Goal, or who may hereafter remain in Goal to be transported, and transport such Person beyond the Seas, out of Her Majesty's Dominions of *Great-Britain* and *Ireland*; and if any Merchant freighting any Ship outward bound to any Place, not within either of the Kingdoms of *Great-Britain* or *Ireland*, shall refuse to receive the Body of such popish Regular Clergyman, popish Priest, or popish School-master, not exceeding five in any one Ship, when required so to do by the Chief Magistrate or his Deputy of such Place, where any such Person, as aforesaid, shall remain in Goal, the Collector and other Officer of Her Majesty's Customs, shall not discharge such Ship, until such Merchant so freighting the same, or such Master of a Ship, shall consent so to do, on pain that such Collector, so discharging such Ship, shall forfeit to Her Majesty, 30 *l. sterl.* *Ships refusing them, not to be discharged, or Penalty on the Officer.*

41 The Collector of such Place shall pay the Allowance for said Merchant, or Master of a Ship, 5 *l. sterl.* *Transportation.* for the Transportation of every such Person, to any part of the *West-Indies*, not being subject to Her Majesty, and the Sum of 3 *l. sterl.* for the Transportation of every such Person to any place in *Europe*, not being within Her Majesty's Dominions, and the same shall be allowed the said Collector, on his Accounts, on producing a Receipt of the said Merchant or Master of a Ship, acknowledging a Receipt of such Sum, and also a Receipt acknowledging he had received the Body of such Person, wherein shall be expressed

the Name of such Person so to be transported, and the Place where the said Person did last reside, and the Time the said Person had remained in Goal, and from what County-Goal he had been transmitted, which Receipt shall be testified by the Chief Magistrate or his Deputy of such Place, and which Receipt last mentioned shall be enrolled in the *Crown-Office* of Her Majesty's Chief Place in *Dublin*, without Fee, there to remain on Record.

Fund out of
the Custody
of Merchant
or Master, the
Penalty.

And if any such Person, shall be found⁴² in this Kingdom, out of the Custody of the said Merchant or Master of a Ship, so receiving the said Person, he shall be deemed to be and suffer the Penalties and Forfeitures as are inflicted on any popish Regular Clergyman who hath been banished and returned again into this Kingdom; and the said Merchant or Master of a Ship shall at the Time of receiving the said Sums from the Collector, and receiving the Body of such Person, enter into a Recognizance to Her Majesty, &c. in the Penalty of 50*l.* to transport the said Person into some Place, not within this Kingdom, or the Kingdom of *Great-Britain*, or the Dominions thereunto belonging; which Recognizance shall be entered into at the Time of the Receipt of the said respective Sums, before the Chief Magistrate of the said Place, and the Collector, by whom the said Sums shall be paid, shall produce and deliver the said Recognizance to the Commissioners of Her Majesty's Revenue, when he shall account for the Payment of the said Sum, to be by the Commissioners returned into the *Crown-Office* of Her Majesty's chief Place at *Dublin*, for which no Fee shall be paid.

Partly.

1 2 Ann. sess. 1. c. 11. The Bishop of *Cork*, Parish of *Fan-*
and the Rector, Vicar, or other Incumbent of *lobbus*.
the Parish of *Fanlobbus*, in the County of *Cork*,
with the Consent of the major Part of the Pro-
testant Inhabitants thereof, in Writing under
their Hands and Seals, may build a new Church
in some more convenient Place in the said Parish
than where the old Church (which is ruinous and
inconveniently situated) is, the Land for the
Church and Church-yard being first conveyed
by the Proprietor of such Place to the Church-
wardens of the said Parish, and their Successors
for ever, who are hereby enabled to receive a
Grant of the same in Trust for, and to the Use
of the said Parish; and such new Church when
built and consecrated, shall be reputed the Pa-
rish-Church of the said Parish.

*The like for the Parish-Church of Kilmacomoge
in the same Diocess.*

2 The Parish-Church of *Drumaul* (whereof the *Drumaul*
Earl of *Donnegal* is Patron) in the Diocess of *Church*.
Connor and County of *Antrim* shall be removed,
and built upon a Plot of Ground in the Town-
land of *Dunmore*, near the Town of *Randal-*
stown, in the said Parish, now and formerly used
for a Burying-place; and the said Church, when
built, shall be deemed the true and only Parish-
Church of *Drumaul*.

3 The Parish-Church of *Finvoy*, (whereof the *Finvoy*
Bishop of *Down and Connor* in Right of his See *Church*.
is Patron) in the Diocess of *Connor*, shall be re-
moved and built upon some part of the Estate of
Benjamin Galland, Esq; in the said Parish, he
first conveying the Ground to the Church-war-
dens of the said Parish, and their Successors in
Trust, and for the Use of the said Parish, who
are hereby enabled to take a Grant thereof; and
the new Church, when finished and consecrated,

Parish-Churches.

shall be the true and only Parish-church in *Finvoy*.

Kilead
Church.

The Situation of the old Parish-church of *Kilead* (whereof the Lord Viscount *Mafereen* is Patron) in the Diocess of *Connor*, not being now to be ascertained, and when a piece of Ground is obtained for building a Church thereon, with a convenient Church-yard, and conveyed by the Proprietor of such Ground to the Church-wardens of the said Parish, and their Successors in Trust, and for the Use of the said Parish, who are hereby enabled to take the same; and when a Church shall be built and consecrated, the same shall be deemed the true and only Parish-church of *Kilead*.

Killcomon, alias
Holymoath
Parish.

The three Parishes of *Killcomon*, *Robeen* and *Fokeen*, (in the Collation of the Archbishoprick of *Tuam*, in Right of his See) in the Diocess of *Tuam*, shall be united for ever, and a Church shall be built as near the Centre of the said three Parishes as may be, the Consent of the major part of the Protestant Inhabitants being first had in Writing under their Hands and Seals, saving to her Majesty, &c. and to the Archbishop of *Tuam* and his Successors, and the present Incumbent, only during his Incumbency, all such Right and Interest as they, or any of them, had in the said Parishes before they were thus united; and the said three Parishes shall be united for ever by the Name of *Killcomon, alias Holymoath*; and the present Archbishop, and his Heirs, may convey, without Licence in *Mortmain*, to the Church-Wardens of the said Parish, and their Successors for ever, such Plots of Ground as shall be necessary for a Church and Church-yard; and also for a House, Shead and Garden for the Minister.

Aglisb, alias
Castlebar Pa-
rish.

The Parishes of *Aglisb*, *Ilanedin*, the Rectory of *Drumrany*, in the Parishes of *Breagbwy* and *Turlogh*, in the Diocess of *Tuam*, and in the Col-
lation

lation of the said Archbishop in Right of his said See, shall be united for ever by the Name of the Parish of *Aglish, alias Castlebar*; and the new Church, when built (on Ground to be set out and conveyed by Sir *Henry Bingham* for the said Church and for a Church-yard, or his Heirs, to the Church-wardens of the said Parish, who are enabled to take the same) shall be the only Parish-church of the said united Parishes, saving to her Majesty, &c. the Archbishop of *Tuam*, &c. and the present Incumbents, during their Incumbency, their Rights, &c.

7 The three Parishes of *Ballywater, Ballybab-Inishargy Parish*, and *Inishargy*, (whereof Sir *Hans Hamilton* is Patron) in the Diocese of *Down*, shall be united for ever after the Death of either of the present Incumbents; and the Survivor shall have the Vicaridge of the said three Parishes during his Life, and after his Death, the said Sir *Hans Hamilton*, his Heirs or Assigns, shall have and continue their Right of Presentation to the said Union; and a Church shall be built in one of the Town-lands of the Parish of *Inishargy*, in such Place for the said Church and for a Church-yard, as shall be appointed by the Bishop, and conveyed by the Owner, as aforesaid, at the Expence of the said united Parishes, to be assessed by the Vestry, in the same Manner as the Church of each Parish, if distinct, ought to have been built and repaired; and the said Church, when built and consecrated, shall for ever remain the true and only Parish-church of the said three Parishes.

8 A new Church shall be built at *Ring's-End, Ring's-End Parish*, near *Dublin*, upon Ground which the Lord Viscount *Merion* may set out and convey to the Lord Archbishop of *Dublin*, &c. not exceeding two Acres, Plantation Measure, notwithstanding any Settlement of the said two Acres; and

the Archbishop of *Dublin* may apply one hundred Pounds out of the forfeited Tythes, appointed for building ruined Churches, to the building the said Church.

Arklow
Parish.

The Archbishop of *Dublin* may erect an Abbey at *Arklow*, in the Diocese of *Dublin*, into a Parish-Church, with the Consent of the present Incumbent and Vestry of the said Parish; and after such Election, the Parishioners of the said Parish shall repair to the same, and no other Church.

This shall be a publick Act.

Tynan and
Derrynoose
Parishes.

8 Ann. c. 13. The Union of the Parishes of *Tynan* and *Derrynoose*, in the Diocese of *Armagh*, from and after the 29th of September, 1709. shall be null and void, and shall for ever after be deemed as two distinct Parishes, and divided by such Mears and Bounds as they were before they were united, and shall be separate from each other, and have all parochial Rights and Privileges as distinct Parishes, notwithstanding 14 and 15 Car. 2. c. 10. — There shall be for each Parish a several parochial Church, and a Rector or Minister, independent from the other, and perpetual succeeding Ministers or Rectors who shall each have the Cure of Souls, and receive all Tythes, Oblations, Obventions, *East*-*er*-Dues and other Duties, Rates, Assessments or Taxations, as ought to be paid; and there shall be for each of the said Parishes, Church-Wardens, a Parish-Clerk, and other usual Parish-Officers, in Succession for ever; and all Parishioners, and others of the said Parishes, shall separately pay all Parish Charges and other Duties, as if the said Union had never been made; and the Minister, or Rector, and Parishioners of each of the said Parishes, may hold Vestries, and make Rules for the Regulation thereof, and for Reparations, and all other Matters incident

- dent to Parishes; which Rules and Orders shall have the same Force, as Rules and Orders made before the said Union, and no greater, or other.
- 12 — The Right of Patronage of the said several Rectories, and of Collation to the said Churches on the present Avoidance of the said Church of *Derrynoose*, and the Avoidance of each of the said Churches of *Tynan* and *Derrynoose*, respectively, by the Death, Cession, or Removal of the present Incumbent thereof, shall belong to the Archbishop of *Ardmagh*, and his Successors for ever, as it did before the making the said Union,
- 13 and not otherwise.—The Archbishop of *Ardmagh*, and the Rector of the said Parish of *Derrynoose*, with the Consent of the Church-Wardens, and the major Part of the Inhabitants thereof, at a Vestry to be held in some convenient Place in the said Parish, within four Days after publick Notice given thereof to all the Parishioners, by Writing under the Hand of the said Archbishop, may build a new Church in some more convenient Place in the said Parish, as they shall think fit, the Land for the Church and Church-yard being first conveyed by the Proprietor thereof to the Rector or Minister, and his Successors for ever; which Proprietor is hereby enabled to convey a sufficient parcel of Ground, not exceeding one Acre and a half, Plantation Measure, to the said Rector or Minister, &c. in Trust for the said Parish, who is hereby enabled to take a Grant of the same to him and
- 14 his Successors for ever.—And if the Church-Wardens, and major part of the Parishioners, shall not within three Years after the first of *November*, 1709. agree upon some place to build the said Church on, the Archbishop of the Diocese, with the Consent of the Proprietor of the Land, where the said Church is to be built, shall appoint a place for building the said Church, in
the

Parish-Churches.

the said Parish, in the Centre thereof, or as near thereunto as conveniently may be, notwithstanding the *Stat. of Mortmain*; which Church when built and consecrated, shall for ever remain the true and only Parish-Church of the Parish of *Derrynoose*.

Killevy Parish.

A new Church for the Parish of *Killevy*, in the 15 Diocese of *Ardmagh*, shall be built in some more convenient place, by the Rector or Incumbent and Church-wardens of the said Parish, with the Consent and Approbation of the Archbishop of *Ardmagh*, under Hand and Seal, and with the Consent of the major Part of the Inhabitants thereof, at a Vestry assembled, the Land for the Church and Church Yard, not exceeding one Acre and a half, Plantation Measure, being first conveyed by the Proprietor of such Place to the Rector or Incumbent and his Successors, who is hereby enabled to take a Grant of the same in Trust for the said Parish; and such new Church, when built and consecrated, shall be deemed the true and only Parish-church of the said Parish of *Killevy*.

Tartaragban Parish.

The Precinct or Territory of *Tartaragban* in 16 the County of *Ardmagh*, shall, from the first of November, 1709, for ever be a Parish, by the Name of the Parish of *Tartaragban*; and there shall be a Rector thereof and Church-wardens, and other usual Officers, in Succession for ever, who shall have the Advantages of Right belonging to such Offices in Parishes.—The Archbishop 17 of *Ardmagh*, with the consent of the Church-wardens, and major Part of the Inhabitants of the said Parish, in writing under their Hands, at a Vestry to be held within four Days after publick Notice thereof, may build a new Church in the centre of the said Parish, or as near thereto as conveniently may be, the Land for the Church and Church-yard not exceeding two Acres,

Acres, Plantation Measure, being first set out and conveyed by the Proprietor thereof to the Rector or Incumbent and his Successors for ever, who is hereby enabled to take a Grant of the same, the said Grant and Conveyance to be in Trust for, and for the benefit of the Inhabitants of the said Parish; and such new Church, when built and consecrated, shall be reputed the Parish-church of the said Parish of *Tartaragban*; and the said Church shall be built at the charge of such Parishioners, on such convenient part of the said Land so to be purchased as the said Rector, Church-Wardens, and major part of the Inhabitants of the said Parish, in Vestry assembled, shall, by Writing under their Hands, direct. --- *Alexander Shand* Clerk, shall be the first Rector of the said Parish; which said Rector, and his Successors, shall be subject to the Visitation and power of the Ordinary of the Diocese of *Ardmagh*, and of such Canons, Rules and Laws Ecclesiastical, as other Rectors, or Parish-churches usually are; and the said Rector and Parishioners may hold Vestries, and make Orders for the Regulation of the said Parish, and Reparations of the said Parish-church, and of all other Matters incident to Parishes, and in such Manner as any other Parish may do. — All and singular the Tythes, and other Ecclesiastical Dues of the several Town-lands of *Clantlew*, *Breagh*, *Eglisb*, *Bullinery*, *Derrilee*, *Tagbloge*, *Derriagh* and *Derryene*, lying in the said Precinct, and granted by *Francis Obre*, Gent. unto *Michael* late Archbishop of *Ardmagh*, and his Successors for ever, and of all other Lands he had in the said Precinct, are hereby vested in the said Rector of the said Parish-church of *Tartaragban*, and his Successors to the use of the said Rector and his Successors for ever. — All and singular the Tythes, and other Ecclesiastical Dues

Dues arising in the said Precinct whereof *William* Lord Viscount *Charlemont*, and *Arthur Brownlow*, Esq; are, or is seized, possessed or intitled unto, are hereby vested in the Rector of the said Parish-Church of *Tartaragban*, and his Successors to the use of the said Rector and his Successors for ever. — The Right of Patronage of the said Rectory and of the Presentation to the same on the Voidance thereof shall be vested in the said *William* Lord Viscount *Charlemont*, and his Heirs, for the two first Turns, and in the said *Francis Obre*, during his Life, for a third Turn; and after his Decease, the Right of Patronage and Collation to the said Rectory, shall be vested in the Arch-bishop of *Ardmagh*, and his Successors, for the said third Turn; then on Avoidance thereof, the Right of Patronage and Presentation shall be vested in the said *Arthur Brownlow*, and his Heirs, for another Turn, and so by Descent, and in Succession, respectively for ever.

Parish of
Arboe.

The Rector or Incumbent and Church-warrens of the Parish of *Arboe*, in the Diocese of *Ardmagh*, with the Approbation of the Arch-bishop of *Ardmagh*, and Patrons of the said Parish-Church, under their Hands and Seals, and by the Consent of the major part of the Inhabitants thereof, in writing under their Hands at a Vestry to be held within four Days after publick Notice given to all the Parishioners, by Writing under the Hand of the said Arch-bishop, may build a new Church on the Lands of *Aghacollum*, belonging to the Rector of the said Parish of *Arboe*, or in such other more convenient Place in the said Parish as they shall think fit; such part of the Land of *Aghacollum* being first set out by the said Rector or such other Land, in which such Church shall be intended to be built with a convenient Church-yard, being first conveyed by the Proprietor to the said Rector
or

or Incumbent and his Successors, and in case it shall not be thought convenient to build the the said Church on the said Land of *Aghacollum*, any other Proprietor of Land in the said Parish, may convey to the said Rector or Incumbent, &c. for the purposes aforesaid, any Quantity of Land, not exceeding one Plantation-Acre; and such Persons may take a Grant thereof; and the said Church, when built and consecrated, shall for ever be deemed the true and only Parish-
 23 church of the Parish of *Arboe*. — The several Rectors, Church-wardens, and major part of the Inhabitants of the said several Parishes, at the several Vestries held in the said several Parishes, may appoint and cels such reasonable Sums on the several Inhabitants thereof respectively, as they shall think necessary for the purposes aforesaid, to be recovered as Cesses for Reparation of Churches in this Kingdom
 24 usually are. — Saving to her Majesty, &c. and all Bodies Politick and Corporate, and all Persons whatsoever, except the Lord Viscount *Charlemont*, *Arthur Brownlow*, and *Francis Obre*, and their Heirs, and all claiming under them, all their Right and Title, &c. which they, or any of them, may have to the said Tythes, or Ecclesiastical Dues

This shall be deemed a publick general Act.

25 9 Ann. c. 12. The Bishop of *Elphin*, with *Kilkeevin*, the Approbation of the Archbishop of the Pro- Parish.
 vince, and Consent of the Patrons, Incumbents, and major part of the Inhabitants of the Parishes of *Kilkeevin*, *Baslick* and *Ballintober*, in the Diocess of *Elphin*, may unite the said Parishes; and the Parish-church now built at *Casflereagh*, in the Parish of *Kilkeevin*, shall be deemed the only Parish-church of the said united Parishes, and shall be called by the Name
 of

of the Parish of *Kilkeevin*; and the Inhabitants of the said several Parishes shall be chargeable with the Repairs of the said Church at *Castle-reagh*.

Oran Parish.

The Bishop of *Elphin*, with the Approbation²⁶ and Consent aforesaid, may order the Church at *Oran*, in the Parish of *Oran*, to be rebuilt, and unite the Parishes of *Oran* and *Drumtemple*; and the said Parishes so united, shall be called by the Name of the parish of *Oran*, and the Church of *Oran* shall be built and kept in repair by the Inhabitants of the said united Parish; which shall for ever be deemed one Parish.

Staplestown,
Church.

The Bishop of *Leighlin*, with the Approba-²⁷ tion and Consent aforesaid, may unite the Parishes of *Tullomagymagh*, *Ballynecarrigg*, *Ballycroge*, and *Kellystown*, in the Diocess of *Leighlin*, whereof the new erected and consecrated Church at *Staplestown*, shall for ever be deemed to be the Parish-church of the said united Parishes; and such Glebe and Lands which now belong to such respective Parishes, shall henceforward belong to the Parish of *Staplestown*, after the Death, Cession, or Promotion of the present Incumbent, saving to the Dean, and Chapter, and Prebendaries of the Diocess of *Leighlin*, all their present Rights, Tythes and Interests, in and to the said Parishes of *Tullomagymagh* and *Ballynecarrig*, and also the Right, Title and Interest of Doctor *Robert Elliot*, in and to the said parish of *Kellystown*, during his Incumbency.

Churchtown,

The Parish-church of *Church-town* in the Dio-²⁸ ccess of *Gloyne*, in the patronage of the Honorable Sir John *Percival*, Bart. may be removed to a more convenient place, by Consent of the Patron, Incumbent, and the Bishop of the Diocess, with the Approbation of the Arch-bishop
of

of the Province, and the Consent of the major part of the Inhabitants thereof.

29 The Bishop of the Diocess of *Cloyne*, with *Castlemarter*, the Approbation and Consent aforesaid, may *Parish*. unite the Parishes of *Ballyoughtra*, *Mogely* and *Cabirulton*, in the Diocess of *Cloyne*; which Parishes so united, shall be called by the Name of the Parish of *Castlemarter*; and the said Bishop, and Incumbent, with the Approbation and Consent aforesaid, may build a new Church at *Castlemarter*, within the said Parish of *Ballyoughtra*, which shall be deemed the Parish-church of the said united parishes; and shall be built and kept in repair at the Expence of the Inhabitants of the said several Parishes; and *Henry Boyle*, Esq; is hereby enabled to give and convey a convenient piece of Ground for the scite of the said Church and Church-yard, to remain thereunto for ever.

30 The Bishop of *Cloyne*, with the Approbation *Garrycloyne*, and Consent aforesaid, may divide the Parishes, *and Inistar*, of *Inistar*, *Matby*, *Garrycloyne* and *Granagh*, in *Churches*. the Diocess of *Cloyne*, into two distinct Parishes, and may build another Church, at the Expence of the Parishioners of the said Parishes, in some convenient place in the said Parishes; which said Church shall be called by the Name of the Parish-church of *Garrycloyne*, and that the Church of *Inistar*, and the said Church of *Garrycloyne*, so to be erected, shall after the Death or Removal of the present Incumbent, be deemed to be two distinct Parish-churches, and shall be kept in repair by the respective Inhabitants of the respective Parishes, according to the said Division; and the Rights of the respective Patrons shall hereby be revived and preserved.

31 The Bishop of *Cloyne*, with the Approbation and *Aghada*, *Pa-* consent aforesaid, may build and erect a new Church *rish*. in some more convenient place within the Union of *Aghada*,

Aghada, in the Diocess of *Cloyne*; which Church when built, and no other shall be called the Parish-church of *Aghada*, and shall be deemed the only Parish-church of the parish of *Aghada*, and the Inhabitants and Parishioners of the said Union, shall be obliged to repair the same as their Parish-church.

Kilwatermoy. The Bishop of *Waterford*, with the Approbation and Consent aforesaid, may build a new Church in some convenient place within the Parish of *Kilwatermoy*, in the Diocess of *Waterford*, the proprietor of the Soil where such Church shall be built, first conveying a sufficient Quantity of Ground for such Church and Church-yard; and the new Church so to be built, shall be the Parish-church of said Parish, and shall be built and kept in repair by the Inhabitants and Parishioners of the said Parish.

Carrowgallen, Parish. The Bishop of *Kilmore*, with the Approbation and Consent aforesaid, may build a new Church at *Mogh*, within the parish of *Carrowgallen*, in the Diocess of *Kilmore* in the same place where an old Church is now standing, at the Charges of the said Parish of *Carrowgallen*; and such new Church, when built, shall for ever be deemed the only Parish-church of *Carrowgallen*.

Drumgagh, Parish. The Rector and Incumbent, and Parishioners of the Parish of *Drumgagh*, in the Diocess of *Dromore*, by the Consent and Approbation of the Arch-bishop of the Province, Bishop of the Diocess, and Patron may build a new Church in such convenient place within the said Parish as they shall think fit, the Ground for such Church and Church-yard, being first conveyed by the Proprietor of the same to the Use of the said Parish; which Conveyance the Proprietor is hereby enabled to make, and the said Church when built and consecrated, shall for

for ever be the only Parish-church of *Drumgagh*.

- 35 The Rector and Incumbent of *Shankill*, in *Shankill Parish*, the Diocese of *Dromore*, by the Consent and Approbation aforesaid, and with the Consent of the major part of the Inhabitants of the said Parish, with the Materials of the ancient Church, and such others, as shall be further requisite, may build a new and larger Church, in such convenient place in the said Parish as they shall think fit, the Ground for such new Church and Church-yard, being first conveyed by the Proprietor of the same, to the Church-wardens of the said Parish, and their Successors for ever, to the Use of the said Parish, which Conveyance the Proprietor is hereby enabled to make; and the said Church, when built, and consecrated, shall for ever be the only Parish-church of the said Parish of *Shankill*.

- 36 The Inhabitants of the Parishes of *Kilmore* and *Kilcomin*, in the Diocese of *Killala*, by the Consent and Approbation aforesaid, may build a new Church on the Lands of *Drununclet* and Town of *Broadhaven*, in the parish of *Kilcomin*, the Proprietor thereof first conveying a sufficient Quantity of Ground for the said Church and Church-yard to the Church-wardens of the said Parish, and their Successors, for the Use of the said Parish; which Church, when built, together with the Church-yard, shall be consecrated, and deemed the Parish-church of the Parishes of *Kilmore* and *Kilcomin*.

- 37 The Church, or Chappel, and Church-yard, now erected at *Coot-hill*, in the Diocese of *Kilmore*, shall be deemed the Parish-church and Church-yard of *Drumgoone* Parish, in the said Diocese, and, as such, shall be repairable by the In-

Inhabitants of the said Parish, and under the same Regulation as other Parishes are; and *Thomas Coote*, Esq; Proprietor of the said Land where on the said Church is erected, by any Instrument in Writing under his Hand and Seal, may convey the same to the Church-wardens of the said Parish, and their Successors for ever.

Killtullagh
Parish.

The Arch-bishop of *Tuam*, with the Consent³⁸ of the Patron, Incumbent and major part of the Inhabitants, may unite the Parishes of *Killtullagh*, *Knockamagh*, *Becan*, *Aghamore* and *Templetogher*, in the Diocese of *Tuam*, and a Church shall be built in *Ballinlogh*, in the parish of *Killtullagh*, and the said Parishes so united, shall be called by the Name of the Parish of *Killtullagh*, and such Church when finished, endowed and consecrated, shall be deemed the only Parish-church of the said united Parishes; and *Joseph Mitchell*, Esq; is hereby enabled to convey 20 Acres of Land for a Glebe, and 1 Acre for a Mansion-house for the Incumbent and his Successors, besides one Acre for the Church-yard, to the said Arch-bishop and his Successors, for the Use aforesaid, saving to her Majesty and the Arch-bishop of *Tuam* such Right as they had before the said Union.

Newborough
Parish.

The Bishop of *Ferns*, by the Approbation³⁹ and Consent aforesaid, and of the Dean and Chapter of *Ferns*, may unite the Parishes of *Killmichalogue*, *Killmechue* and *Killkavan*, in the Diocese of *Ferns*, which, when united, shall be called by the Name of the Parish of *Newborough*, and shall be one Parish.

Ennis-Mac-
Saint Church.

The Church built at *Drumenagh*, in the⁴⁰ Diocese of *Clogher*, shall be deemed the Parish-church of *Ennis-Mack Saint*.

Slane Parish.

The Bishop of *Meath*, by Approbation and⁴¹ Consent aforesaid, may build a new Church in
some

some more convenient place in the parish of *Slane*, in the Diocese of *Meath*, the Land for the Church and Church-yard, being first conveyed by the Proprietor to the Rector, Vicar or Incumbent, as aforesaid; and such new Church, when built and consecrated, shall be reputed the only Parish-church of the said parish.

42 The Bishop of *Elphin* may unite the Parishes *Caine* Parish, of *Caine* and *Killtome* in the said Diocese, which shall be one Parish, and called the Parish of *Caine*, and a Church shall be built on some convenient place in the Town and Lands of *Miltonpass*, in the said Parish of *Caine*, which shall be the Parish-church of the said united Parishes; *Luke Dillon* of *Clonbrock*, Esq; and *Edward Kelly* of *Sbrigg*, Esq; and *John Kelly* his Son and Heir apparent, first conveying a sufficient Quantity of Ground for the Church and Church-yard.

43 The Bishop of *Elphin*, with the Approbation *Donamon* Parish, and Consent aforesaid, may unite the Parishes of *Killbegnett*, *Ballynekill*, *Kilcroan* and *Donamon* or so many of the said Parishes as shall be thought convenient; which Parishes so united, shall be called by the Name of the parish of *Donamon*, and be one Parish.

44 The Inhabitants of the parish of *Killofolan*, *Castleblackney* or the major part of them in the Diocese of *El-* alias *Killofolan* *phib*, with the Consent and Approbation aforesaid, may build a new Church and Church-yard, on some convenient place within the said parish, on the Land of *Capavarogy* near the Town of *Castleblackney*, *Robert Blackney*, Esq; first conveying two Acres of Land for the said Church and Church-yard and Minister's House, to the Rector, &c. and such new Church, when built and consecrated, shall be the Parish-church of the said Parish, and shall be called and deemed

ed the Parish-church of *Castleblackney*, alias *Killosolan*.

Ballymackward Parish.

The Arch-bishop of the Province, and Bishop⁴⁶ of *Clonfert*, with the Consent of the Patrons, Incumbent, and major part of the Inhabitants, may unite the Parishes of *Ballymackward* and *Clonkeen*, in the Diocess of *Clonfert*, after the Avoidance of either of the said Churches, by the Death, Cession or Promotion of either of the Incumbents of either of the said Parishes; which, when united, shall be one Parish, by the Name of the Parish of *Ballymackward*, and shall be under the same Regulation as other Parishes, and the surviving Incumbent of the said united Parishes, shall be the Incumbent of both the said united Parishes.

Kilpatrick Church.

The Bishop of *Meath*, with the Approbation⁴⁶ and Consent aforesaid, may constitute the Church of *Kilpatrick* to be the Parish-church of the united Parishes of *Drakestown*, *Killpatrick* and *Knough*, in the Diocess of *Meath*.

Kilsaran Parish.

The Church of *Gernonstown*, alias *Castlebel-47* *lingham*, in the Parish of *Kilsaran*, and Diocess of *Armagh*, shall be deemed to be the Parish-church of *Kilsaran*, and the old Church-yard shall, at the Parishioners Charge, be fenced in, and preserved from prophane and common Usage.

Scites to be inclosed.

The antient Scites of all the Parish-churches⁴⁸ and Church-yards in this Act mentioned, shall be kept inclosed from prophane Uses, by sufficient Fences, at the Charge of the Parishioners of each respective parish.

Where any new Church shall be built by⁴⁹ Vertue of this Act, in any Parish or Union, where there is any ancient Church, the Parishioners may make Use of the Materials of every such antient Church, towards building such new-intended Church, and for no other Use
whatsoever. This

This to be a Publick and General Act.

50 Provided, where two or more Parishes shall be united, according to the Directions of this Act, and where the Right of Presentation to the said Parishes is now or at the Time of such Union, may belong to several Patrons who have or may have Right to present to the same as the Churches become void; such Patrons when they shall consent to the uniting of the Parishes afore-said, may agree in which of them, the Right of Presentation to such united Parishes, shall be and continue, after such Union is made, and how often, and what Turn each Patron shall present to the said united Parishes, and such Agreement so to be made between all the said Patrons, under their Hands and Seals, shall be inrolled in *Chancery*, and shall bind all the said Patrons Parties to the said Agreement, their Heirs, Assigns and Successors for ever, saving to the Queen, &c. all such Right and Title which they have or may claim in any Parishes to be united, in Pursuance of this Act. Patrons may agree upon the Presentation.

51 2 Geo. I. c. 14. During the Term of ten Chief Governor Years, from the 24th of *June*, 1717. the chief Governor, with the Assent of the major part of the Privy-council, in Council assembled, fix at least consenting with the Approbation of the Archbishop of the Province and the Bishop of the Diocess, certified under their Hands and Archiepiscopal and Episcopal Seals, with the Consent of the Patrons and Incumbents, certified under their Hands and Seals, attested by two or more Witneses, may divide old Parishes, or separate any parish or part of a parish of late united, and unite parishes one to another, or part of a parish to another parish, or part of a parish in Perpetuity, and erect them into new parishes, with all parochial Rights, and may unite and appropriate

Parish-Churches.

any Benefice having actual Cure of Souls, to a Dignity or Prebend without Cure, saving to the Dean, Dignitary, Prebend and Incumbent, at the Time of such Union during their Incumbency, and to the Patrons and Ordinaries, all their Right, Title and Interest to such united and appropriated Parishes, and saving all Right to the Dean and Chapter, and the Prebendary of the Prebend, to which any Benefice with Cure of Souls, shall be united or appropriated.

Residence not
discharged by
Union.

Provided, no Dignitary or Prebendary to whose Dignity or Prebend, such Benefice with Cure of Souls shall be united, shall be discharged of Residence in the Church so united; but shall be obliged to such Residence as the Incumbent of such Church with Cure of Souls was obliged to, before the making such Union, and shall also be subject, as a Dignitary or Prebendary of the said Cathedral Church to all Jurisdictions, Duties or Penalties in like manner as the said Dignitary or Prebendary was subject at the Time of making such Union, and every thing done in Pursuance of this Act, shall be as good as if the same had been particularly recited and hereby enacted.

Chief Governor,
&c. may direct necessary
Churches to be built.

The chief Governor, &c. with the Assent of the major part of the Privy-council assembled, six at least consenting, and with the Approbation of the Arch-bishop and Bishop upon Examination of Witnesses on Oath, or any other lawful Means, may direct new Churches to be built in more convenient Places, with the Consent of the Patron and Proprietor, upon whose Land such new Church is to be erected, and also of the Incumbent, Church-wardens, and the major part of the Parishioners in Vestry assembled, and of the major part of the Proprietors of Lands within such Parish, testified by their

their Petition to the chief Governor and Council, the Expence of building which Churches shall be assessed and applotted on such Parish by Act of Vestry, and such Church so newly erected, shall be deemed to be the Parish-church of the Parish wherein the same shall be built, when so declared by such Order as aforesaid, and the Chancel thereof shall be repaired by such Persons as were liable to repair the Chancel of the old Parish-church.

54 Upon the Removal, and new Erecting or Change of any Parish-church, as aforesaid, the Patron of the Church so removed, his Heirs, &c. shall be Patron of the new Church.

55 Where two or more Churches or Parishes shall be united into one, and where any Benefice shall be united to a Dignity or Prebend, having formerly had distinct Patrons, in such Cases the chief Governor, &c. and Council as aforesaid, with the Approbation of the Archbishop and Bishop, may divide the Patronage by Turns among the Patrons, giving to each of them a Right to present oftner, or seldomer, according to the true yearly Value of the Parish, the Consent of each Patron being first had and entred in the Instrument of erecting the said Union, and such Settlement shall be binding to all Patrons and Parties for ever, reserving to every Archbishop and Bishop, Registers and School-masters, their Dues payable out of every such Parish so united.

56 Provided, where his Majesty, &c. is or shall be entitled to the Presentation of any of the said Churches so to be united, he shall upon the first Vacancy after such Union, have the first Presentation of an Incumbent unto such Church, and upon the next Vacancy, the other Patrons severally, as the chief Governor, &c. with the Approbation as aforesaid, shall appoint,

Regard being had to the Values of the said Parishes, and so in course respectively in manner aforesaid.

Disappropriation of a Rectory, what. No Proprietor of any Rectory inappropriate, 57 having the Patronage of the Vicarage of the said Church, shall, by only presenting in his Turn, a Clerk to any Union made by Vertue of this Act, be judged in Law to disappropriate his Rectory, unless such Person making such Presentation, shall by expresse Words contained therein plainly signify his Design to make such Disappropriation, and such Presentation, shall be under the Hand and Seal of the Patron so presenting, attested by two or more Witnesses.

Unions, Divisions and Appropriations to be enrolled in Chancery in 6 Months. Every such Unions, Divisions and Appropriations, made by Vertue of this Act, shall be enrolled in the Rolls-Office in *Chancery* within six Months after the making thereof, for which the Fee of 13 s. 4. d. and no more shall be paid; and every Instrument, under the Hands of the chief Governor, &c. testifying such Union, Division or Appropriation, shall contain in it a Proviso, that the same shall be enrolled in six Months after the Date thereof, or else to be void.

Endowments may be with Glebes or Tythes. See Glebes. From the Time aforesaid, the several Arch-59 bishops, Bishops, Deans, Dignitaries and Prebendaries, with the Consent and Approbation aforesaid, and also with the consent of the Deans and Chapters; and where there are no Deans and Chapters, then by the Consent of the Archdeacon and major part of the rest of the Clergy, at their Visitations, may endow any Vicarage or Curacy, with a convenient Portion of Glebe or Tythes, or both, belonging to such Arch-bishoprick, Bishoprick, &c. in the said Parishes, and also with the Consents aforesaid, augment such Endowments as have been already made for the Support of a Vicar or Curate,

rate, saving to the then Tenants of such Glebes and Tythes, all their Right and Title during their Leases.

- 60 Every Arch-bishop, Bishop, &c. with the Rectories, &c. may be exchanged. Approbation and Consent aforesaid, at any Time during the said Term, may exchange any any Rectory, Vicarage, Parish or Portion of Tythes, to his Arch-bishoprick, &c. belonging, for any other Rectory, Vicarage, Parish or Portion of Tythes, within the same Diocess,

- 61 of equal, or near the same Value. — Provided, that every such Person who shall enjoy the Benefit of such Exchange, and his Successors shall perform all the same Duties, and shall be subject to the same Jurisdiction and Burthens as the former Incumbents were, and shall serve the Cure of the said Parish, as by Vertue of such Exchange he shall enjoy, in case the said Cure is not otherwise by Law provided for. On Exchanges some Duties to be performed.

- 62 Where in any Union, made by Vertue of this Act, there shall be an Improprate, or Appropiate Rectory, within the same, the Rector, Improprator, or Possessor of which was, before such Union, obliged to repair the Chancel belonging to the Parish-church of the said Rectory, such Rector, &c. shall, during the continuance of such Union be discharged from the same, and shall instead thereof contribute a rateable Proportion, according to the Value of the profits rising out of such Rectories, to the Repair of the new Chancel of the said united Parishes, which rateable proportion, shall be settled by consent of all parties concerned in Interest before such Union be made, or on Failure therein, by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal; and every other Person, who was obliged to repair the Chancel New Chan- cels, by whom to be repaired.

Parish-Churches:

Chancel of any of the other Parish-churches so united, before such Union, such Person and his Successors, shall pay a rateable Share towards Repair of the new Chancel.

On an Union In case any Parishes appropriate or impro-⁶³
 appropriated, priate, shall be united, pursuant to this Act,
&c. to con- to any other Parish, the Impropiator or Posses-
 tribute only for shall be discharged from finding a Curate
 towards the for such Parishes so united, and shall be only
 Maintenance of a Curate, obliged to contribute his Proportion rateably
&c. with the other Parishes, for the Maintenance
 of the Curate or Minister of such united Parish-
 es, which rateable Proportion shall be adjusted
 by all Parties concerned before the said Union
 be made, or in case of Failure thereof by a De-
 cree in *Chancery*, upon proper Application
 thereto.

This Clause Provided no Union made pursuant to ¹⁴⁶⁴
 repealed by and 15 C. 2. c. 10. of any Parishes not within
 1 G. 2. c. 19. Cities or Towns-corporate, shall be dissolved,
Post. f. 78. nor any of the said united Parshes, or any part
 thereof shall be united to any other united Pa-
 rish, by Virtue of this Act, unless the Parish-
 church of such united Parish lies three Miles
 distant from some part of such united pa-
 rish, or that the Church of such united pa-
 rish shall not be large enough to contain the
 Protestant Parishioners usually resorting thi-
 ther, in which case, such of the said old unit-
 ed Parishes, lying remote from the Parish-
 church of the said former united Parish, may
 be united to some other Parish lying more near
 and commodious for the Resort of the Inhabi-
 tants of such remote Parish.

Burgery of The Lands and Houses called the *Burgery* of⁶⁵
Cloyne annex- *Cloyne*, and their Appurtenances and Privileges,
 ed to the See. shall for ever hereafter be annexed to the See of
Cloyne, and be held and enjoyed by the pre-
 sent Bishop of *Cloyne* and his Successors for
 ever. The

- 66 The present Arch-bishop of *Dublin* and his Successors, shall in lieu thereof, have and receive out of the yearly Rents and Profits of the Lands of *Ballycroneen* and *Ballycotton* (Farms belonging to the See of *Cloyne*) the yearly Sum or Rent-charge of 26 l. per Ann. to the only and proper use of the said Arch-bishop of *Dublin* and his Successors for ever, payable quarterly at the Feasts of *Michaelmas*, *Christmas*, *Lady-Day*, and *St. John Baptist*, by even and equal portions. Archbishop of *Dublin* to have 26 l. per Ann. in lieu thereof.
- 67 --Provided, that for Non-payment thereof, or any part thereof, the said Archbishop, &c. may distrain the said Lands, and in case of no sufficient Distress, may enter and hold the same, 'till the said Rent and Arrears be paid, subject nevertheless, to such Lease or Leases as shall be in being at the time of such Entry, and shall be made at half the yearly Rent, which such Lands were worth at the Time of making such Lease or Leases. And may distrain for the same.
- 68 All Acts of Parliament hereafter made for the uniting or disuniting of particular Parishes, or parts of Parishes, or erecting particular Churches, shall be publick Acts, and no Fees shall be taken for passing any such Acts. Acts for Unit-ions or Disuni-ions to be publick Acts. *Made perpetual by 13 Geo. 2. cap. 4.*
- 69 6 Geo. 1. c. 13. pars. Where Parishes are of such Extent, that the Inhabitants can't repair for divine Worship to their Parish-church, the Arch-bishop or Bishop of the Diocess, or the Inhabitants of such Parishes, with the consent of the Arch-bishop or Bishop, may erect one or more Chappels of Ease, if any great Number of Inhabitants, must otherwise be more than six Miles from their place of publick Worship; after such Chappel of Ease shall be so erected and set apart for Divine Worship, the Incumbent shall find from time to time a sufficient Curate or Curates, Where Chap-pels of Ease may be erected. Post. f. 80. 82.

Curates, approved of as other Curates are, by the Bishop of the Diocese, who shall perform Divine Service in the said Chappel; and the Incumbent shall support such Curate, either by endowing the said Chappel with such a Portion of Tythes belonging to the parish, as shall be agreed on by the Arch-bishop or Bishop, Patron and Incumbent, and the Dean and Chapter, or major part of the beneficed Clergy, convened in the said Arch-bishop's or Bishop's ordinary Visitation, or by paying annually, by Quarterly Payments, such Sum as the said Arch-bishop or Bishop shall appoint, provided the same does not exceed one sixth part of the yearly Profits arising to the Incumbent out of the Parish. — Such Chappel, shall be kept in Repair at the charge of the whole Parish, as the Parish-church is or ought to be repaired, or by certain annual Rents, to be placed on the Account of the said Chappels, by the Bishop, Incumbent, and major part of the Parishioners assembled at a Vestry duly appointed.

How to be repaired.

Chief Governor, &c. may unite Benefices and Dignities to Prebends.

10 Geo. 1. c. 6. pars. The chief Governor of this Kingdom, with the Approbation and Consent of such persons, in such Manner, and under such Savings and Provisoos as are mentioned in 2 G. 1. c. 14. concerning the uniting or appropriating any Benefice having actual Cure of Souls, to a Dignity or Prebend without Cure, may unite or appropriate any Benefice without cure of Souls, to a Dignity or Prebend having actual cure

What Consent for building new Churches.

of Souls annexed. --- The consent of the Incumbent, Church-wardens, and protestant Parishioners, assembled in Vestry, or the major part of them, testified by their Petition to the chief Governor and Council thereof, shall be a sufficient consent of the Parishioners of such Parish, to the directing and ordering new Churches to be built in more convenient places, within such parishes

- 73 parishes. --- Provided due Notice be given in Notice of a the Church of such Vestry to be held, and of Vestry in the Design of calling such Vestry, two *Sundays* what manner. successively, immediately preceding the Time appointed for the meeting of the said Vestry; and where there is no Church used for the Celebration of Divine Service, the like Notice shall be posted up in the next Market-Town fourteen Days before the Meeting of the said Vestry. --- In all Unions made by Virtue of the said recited Act or this Act, of any Dignities or King Patron. Benefices, the Patronage whereof is or shall be *Post f. 79.* in his Majesty, &c. the Consent of his Majesty, &c. signified by Letter under his Sign-Manual to the chief Governor, to the making such Union, shall be as good as if such consent were declared under the Great Seal of this Kingdom.
- 75 --- Provided the said Sign-Manual be enrolled in *Chancery* within six Kalendar Months after the Date thereof, for which a Fee of 3 s. 4 d. shall be paid, and no more. --- *Provided the said Act, and so much thereof not hereby repealed, and this Act shall continue for ten Years, from the second of February, 1723. and to the End of the next Session. Both continued by 7 G. 2. c. 7. until the 25th of March, 1740. and to the End of next Session. Made perpetual by 13 Geo. 2. cap. 4.*
- 76 12 *Geo.* 1, c. 9. *pars.* No Inhabitant of any Papists not to Parish being a Papist, shall be capable of giving vote at Vestries. his Vote at any Vestry, held for the re-building or repairing of Churches.
- 77 The Money agreed upon and assessed at Vestries, for building and repairing of Churches, Money assessed at Vestries how to be levied. shall be raised and levied by Warrant from two or more Justices of Peace, by the Church-Wardens of the Parish, by Distress and Sale of the Goods of the Person refusing or neglecting to *Post. f. 85.* pay

pay the Sum applotted and charged on him, pursuant to such Act of Vestry, with the Charges of such Distress and Sale; and if any Person shall think himself aggrieved by such Assessment or Applotment, or the levying thereof he may appeal to the next Quarter-sessions, who may hear and finally determine the same.

Clause in 2 G.
is repealed.

1 Geo. 2. c. 19. The Clause in 2 Geo. 1. 78 c. 14. *That no Union made pursuant to 14 & 15 C. 2. c. 10. of any Parishes within Cities or Towns corporate shall be dissolved, nor any of the said united Parishes, nor any Part thereof, shall be united to any other united Parish, by Virtue of the said Act, unless the Parish-Church of such united Parish lies three Miles distant from some Part of such united Parish, or that the Church of such united Parish shall not be large enough to contain the Protestant Parishioners usually resorting thither,* is hereby repealed, by reason of the Uncertainty of the Measure of three Country Miles therein mentioned; and then enacts, that every such united Parish shall be subject to the like Division, and under the same Conditions and Limitations as any other Parish.

Consent of the
King how.
Ante. f. 74.

Where any Parish Church is either the Corps⁷⁹ or part of the Corps of any Deanery or other Ecclesiastical Dignity or Prebend, the Patronage whereof belongs to the Crown, or where any Parish-Church whatever is in the immediate Patronage of the King, and if it shall be found necessary for the Ease of the Parishioners, that a new Parish-Church should, according to 2 Geo. 1. c. 14. be built within the same, the Consent of the Chief Governor, to the building such Church, signified in Writing under his Hand and Seal, and inrolled in *Chancery*, within six Months after Date, shall be as valid as if the Consent of his Majesty, &c. thereto were signified by Letters-Patents under the Great Seal.

1 Geo.

80 1 Geo. 2. c. 22. *pars.* Where a great Number of Inhabitants in any Parish, reside at the Distance of five measured Miles or more from their Place of publick Worship, computing each Mile at one thousand seven hundred and sixty Yards, admeasured along the ordinary Horse Road leading to such Place of publick Worship, the Archbishop or Bishop, with the Consent of the Majority of the Protestant Inhabitants of the said Parish, of the Church of *Ireland* as by Law established, and who do not reside within three such Miles as aforesaid, of the said Parish-Church, or place where Divine Service has been usually performed for the said Parish, nor within two such Miles of any other Church or Chappel where Divine Service is performed according to the Usage of the Church of *Ireland*, but who do reside within three such Miles as aforesaid of the Place where such Chappel is to be built, signified under their Hands, may erect one or two Chappels of Ease within the said Parish, and such Chappels when erected and set apart for publick Worship, and such as are already erected and set apart for publick Worship, and are conveniently situate for the Use of the Inhabitants of that Parish, shall be supplied with sufficient Curates, appointed, &c. by such Persons, in such Manner, and by such Ways and Means, as by 6 Geo. 1. c. 13. is prescribed.

Where a Chapel of Ease may be erected. *Ante. f. 69. Post. f. 82.*

81 In any Parish within the City of *Dublin* or Liberties thereof, or Liberties adjoining, or within any other City or Town Corporate, where a great Number of the Protestant Inhabitants are excluded from the Parochial Church, for want of Room and Accommodation during the Celebration of Divine Service, the Archbishop or Bishop, with the Consent of the Protestant Inhabitants of the said Parish, who are of the Church of *Ireland* as by Law established, or the major part

Where Chappels of Ease shall be erected in *Dublin*. *Post. f. 82.*

part of them in Vestry assembled, may erect one or two Chappels of Ease within the said Parish; and such Chappel, when erected and set apart for publick Worship, shall be supplied with sufficient Curates, appointed, &c. by such Persons, in such Manner, and by such Ways and Means, as by 6 Geo. 1. c. 13. is prescribed.

How such
Chappels shall
be kept in Re-
pair.

Such Chappel and Chappels erected and set apart for publick Worship, by Virtue of this or any former Act, or that have been already erected and set apart for publick Worship, and are conveniently situate for the Use of the Inhabitants, shall be kept in good Repair, and provided with all Things necessary for the Celebration of Divine Service, at the Charge of the Parishioners of the whole Parish, by such Rates or Means as the Parish-church ought to be kept in Repair, or by annual Rents set on the Pews or Seats of such Chappel, by the Archbishop or Bishop, with the Consent of the Incumbent of such Parish, and the major part of such Parishioners thereof as aforesaid, assembled at Vestry appointed for that purpose; which Rates or annual Rents so made and ascertained, shall be paid to the Church-Wardens of such Parish, or either of them, or any Person by them appointed, and approved by the Archbishop or Bishop for that purpose. And all such Church-wardens, and each of them, and Persons appointed and approved of, as aforesaid, may demand, receive, distrain for, and recover all such Rates or annual Rents, at such Times, by such Ways and Means, and under such Penalties as Ministers-money, Church-rates, or Parish-cesses are usually collected and recovered; and the Money arising by such Rates or annual Rents, shall be applied by the Church-wardens, in repairing such Chappel, and providing all Things necessary for the Celebration

on

on of Divine Service therein, and to no other Use or Purpose whatsoever.

83 3 Geo. 2. *sess.* 2. c. 11. Wherever any Archiepiscopal or Episcopal Union of contiguous Parishes, under one Incumbent or Curate, is or shall be made by any Archbishop or Bishop, within his Diocess, the Inhabitants or Occupiers of Land within such Parishes, shall contribute towards the Repair of the Church or Chappel appointed for publick Worship within the said Parishes, and to the providing all necessary Charges belonging to such Church, &c. as if such Parishes were one entire Parish, and such Church the Parish-church of the same; and 2 Church-wardens may, every Year, be chosen for such Parishes respectively, who shall have the like Office and Power as other Church-wardens have.

On Episcopal Unions, Parishioners to repair.

84 But if the Parishioners of such united Parish shall, at any time, build up or sufficiently repair their Parish-church, from thenceforth they shall not contribute towards the repairing of any other Church, &c. within the said Parishes, excepting that of their own Parish; and the Church, &c. appointed as aforesaid, shall from thenceforth be kept in Repair as before directed, by the rest of the Parishioners of the said united Parishes.

Repairing their Parish-Church, to be exempted.

85 From the 25th of March, 1730. Every Parish Cesses made or agreed upon, at any Vestry held for any Parish, for the Repair of the Parish-church or Chappel, or other necessary Charges belonging to such Church, &c. shall, in 10 Days after the same is so agreed upon, be equally applotted upon the Inhabitants of such Parish, by the Church-wardens, or other Persons appointed for that Purpose, by the major Part of the Protestant Parishioners in Vestry assembled; which Applotment, when made, shall be returned to the Minister of the Parish, who, the

Parish Cesses for Repairs, how to be levied.

Parish-Churches.

first *Sunday* after he hath received the same, shall, after Divine Service in the Morning, give publick Notice thereof, as also of a Vestry, to be held in 10 Days after such Notice, to have such Applotment examined into; at which Vestry, the major part of the Protestant Inhabitants there assembled, shall have Power to hear all Parties who shall object to the said Applotment, and to make such Alterations as they shall think reasonable, and then finally to settle and ascertain the same; and after the same is so settled, &c. they shall cause 2 distinct Transcripts thereof to be made, each to be subscribed by the Minister, Church-wardens, and 3 of the protestant Parishioners then present, one part to remain with the Minister and Parishioners, and the other to be delivered to the Church-wardens, who shall, with all convenient Expedition, proceed to collect and levy the same for the Uses aforesaid; and if such Church-wardens shall wilfully neglect or refuse to collect or cause to be collected such Cess, or at the Expiration of their Office, shall refuse or neglect to account for the same, in any Vestry to be held for that purpose, of which 10 Days Notice shall be given in such Church or Chappel, immediately after Divine Service in the Morning, the succeeding Church-wardens may sue for, and recover from the said Church-wardens neglecting, &c. as aforesaid, the Sums in the said Applotment contained; or if, after an Account stated as aforesaid, any such Church-warden shall, after a Demand made, refuse or neglect to pay the Ballance in their Hands to the succeeding Church-wardens, the succeeding Church-wardens may sue for, and recover from the said Church-wardens so refusing, &c. such respective Sums not exceeding 20*l.* by Civil Bill, at the Assizes for the County where such Parish-church, &c. is, or where such Parish-church, &c. is within the City

Church-war-
dens account-
able to their
Successors.

City or County of *Dublin*, at the Quarter-sessions for the said City or County, and where the Sum exceeds 20*l.* to be sued for, and recovered by Action of Debt, Bill or Plaint, in any of the Four Courts of *Dublin*.---In such Suit the Ap-plotment subscribed as aforesaid, shall be sufficient Evidence, to charge the Defendants with the Sums in the said Applotment; and the Account stated as aforesaid, shall be sufficient Evidence to charge the Defendants in such Suit, with the Ballance thereof.

87 If any Church-warden refusing to account as aforesaid, shall, after Judgment against him, and Payment made as aforesaid, apply to the Minister and succeeding Church-wardens, to be admitted to account, then the said Minister, Church-wardens, and Parishioners in Vestry assembled, shall take such Account; and such succeeding Church-wardens shall pay back all such Sums, as the Church-warden so accounting, shall prove to have been applied to the Use of the Parish; and all such Sums as he can make appear, upon Oath, could not be collected, by reason of the poverty, or other Circumstances of the Parties upon whom they were applotted; which Oath any Justice of the Peace for the place where such Church, &c. lies, may administer; and if such Church-warden shall find himself aggrieved by the Determination of the said Minister, Church-wardens, &c. upon taking such Account, he may appeal to the Justices of the Peace, at the next Quarter-sessions for the County where such Church, &c. is, who may summon and examine Witnesses upon Oath, and finally determine the same, and make such Order as to them shall seem just; And if they shall adjudge any Money to be repaid by the succeeding Church-wardens, to the Church-wardens so accounting, to cause the same to be levied by Distress

Parish-Churches.

stres and Sale of the Goods and Chattels of such succeeding Church-wardens or any of them, by Warrant under the Hand and Seal of any two of the Justices present at the said Sessions; And if they shall confirm the Determination of the said Minister, &c. then they shall award to the said Minister, &c. such Costs as they shall think reasonable not exceeding Forty Shillings, to be levied by Distres and Sale of the Goods and Chattels of the Person appealing, by Warrant as aforesaid.

**Parishioners
how long to
repair on
Union by the
Crown.**

The Parishioners of the several Parishes united by Charter from the Crown, shall, until the ruined or decayed Churches in such Parishes are rebuilt or repaired, be obliged to contribute to the keeping in Repair the Church to which such Parishes are united, and to the providing all necessary Charges thereto belonging, as before appointed for repairing of Churches of Archiepiscopal or Episcopal-union.

**Money raised
how to be ap-
plied.**

All Sums of Money to be raised and levied, as aforesaid shall be applied to the Uses mentioned in such Act of Vestry and no other.

**On Union Pa-
trons of the u-
nited and new-
erected Parish
may present
and how.**

9 Geo. 2. c. 12. Where any Union hath been, or shall be made (pursuant to 2 Geo. 1. c. 14.) and a new Parish erected, from the Death or Removal of any Incumbent of any Parish or part of a Parish so united to any other Parish or part of a Parish, constituting the new erected Parish, whereby the Parish or part of a Parish, which such Incumbent enjoyed, is no longer an old Parish or part thereof, but is become part of the united and new erected Parish, the Patron or Patrons of such united and new erected Parish, who is or are intitled to present or collate to the first Turn, upon the Avoidance of such new erected Parish, may present or collate his Clerk thereto, by the Name which such Parish is called by in the Act of Council, establishing such Uni-
on

on and erecting such Parish, as if all the Incumbents of such united Parish were then dead or removed, and that such united Parish was then entirely void; and upon such Presentation, and Institution or Collation, the Clerk so presented and instituted or collated, shall be intitled to Induction to the said united and new erected Parish, as if all the Incumbents were dead or removed, and may be inducted in such Parish or part of a Parish then void, without waiting for the Death or Removal of the other Incumbent or Incumbents, and may perform all Things for the qualifying or intitling himself as by Law required, to the said united Parish, in any Church or Ruins of a Church (if any such be) in that Parish or part of a Parish then become vacant; and if there be no such Church or Ruins, upon such Parish or part of a Parish so vacant, then in the said old Parish-church of the Parish from whence such part of a Parish is taken; and such Clerk so presented and instituted or collated, and also inducted, shall then enter upon the Cure of Souls, and receive all such Tythes, Duties, or other Profits, in such vacant Parish or part of a Parish, in as ample manner as the former Incumbent so dying or removed, was by Law intitled to have and receive, in such Parish or part of a Parish, before it became void.

- 91 Such Clerk so presented, and instituted or collated, and so inducted, according to this Act, into such new-erected Parish, upon the Death or Removal of the other Incumbent or Incumbents of the other Parishes, or parts of a Parish, constituting such Union, and erected into the said new Parish, as they become void, may enter upon the Cure of Souls, and receive such Tythes, Duties, and other Profits, as the said former Incumbent or Incumbents, so dying or removed, were by Law intitled to in such Parish or part of a Parish,

Clerk so presented, intitled to all Benefits, as if separately presented.

rish, then become part of the said united or new-erected Parish; and such Clerk so presented, and instituted, or collated and inducted, according to this Act, to such united Parish, and having performed all other Matters by Law required, shall upon the Death or Removal of the said other Incumbent or Incumbents, be lawful Incumbent of the said united and new-erected Parish, without any new Presentation and Institution, Collation or Induction; and shall have the same Right and Interest in the said united and new-erected Parish, and to all Tythes, Duties, Profits and Perquisites thereto belonging, in as ample manner as he could have had, if such Clerk had been separately presented, instituted or collated, and inducted into the said Parishes, or parts of Parishes, as they become void, and as the former Incumbents, or any of them, were by Law intituled to have.

Where Patron
may present
to the new-
erected Parish.

In case of the Death or Removal of such Clerk, ⁹² before the other Parish, or Parts of a Parish, compleating the said united or new-erected Parish becomes void by the Death or Removal of the Incumbent, the Patron of such new-erected Parish, whose turn it is to present or collate, may, in like manner, present or collate to the said united or new-erected Parish; and such Clerk so presented and instituted, or collated and inducted, shall hold the said new erected Parish, or such parts of it as are then vacant, or that shall thereafter become vacant by the Death or Removal of the other Incumbent and Incumbents, in the same, and as ample manner, as the former Incumbents presented, &c. by this Act did or might have held the same; and so, as often as any part of the said new-erected Parish shall become void, by the Death or Removal of such Incumbents, and until all the several Parishes, or parts of Parishes so united, shall become void,
and

and fallen into the said united and new-erected Parish, so as to render the said Union compleat: Saving to the other Incumbents of the Parishes, or parts of Parishes so united, and made part of the said new-erected Parish, until the same becomes void, their several Rights and Interests in and to their respective Parishes, or parts of Parishes, during their Incumbencies, as though no Clerk had been presented, &c, to such new-erected Parish, in pursuance of this Act.

93 If there be no Church, or Ruins of a Church, upon such Parish, or part of a Parish, so become vacant, the person authorized to give Induction, may deliver a Sod or Turf to such Clerk, in the Name of Seisin and Possession of the said united and new-erected Parish; which shall be a good Induction. Induction into new erected Parish how.

94 Upon the Application of any Incumbent of such divided or united Parish, to the Bishop of the Diocese in which it lies, such Bishop is to inquire into the Value of such Parishes, or parts of Parishes, as are separated from the old Parish, and erected into the new Parish, and to settle the proportion of First-Fruits, Crown-Rent, Port-Rent, Pensions, Procurations, Synodals (and the Salaries payable to the School-Masters of the Diocese-Schools, by the several Incumbents of such divided or united Parish) which the Incumbent of such old divided Parish, and new-erected Parish, is to pay, which Adjudication, being in Writing, and signed and sealed by the Bishop, and registred in the Register-Book of the said Bishop, shall be the proportion which the Incumbent of such new-erected Parish is to pay, and shall be conclusive to the several Incumbents of the said divided and united Parish, and to their Successors. Bishop to settle the Proportion of first Fruits. &c. of the Parts separated.

95 A Certificate of so much of the said Adjudication, as relates to the Proportion of First-Fruits, Certificate thereof to be returned into the Exchequer.

Parish-Churches.

Fruits, Crown-Rent and Port Corn, wherewith the said old divided Parishes, and new-erected Parishes, are to be charged by the said Adjudication, shall be returned by the Bishop of the Diocess, under his Episcopal Seal, into the *Exchequer*, to be filed on Record; and the said old divided and new-erected Parishes, shall be charged in all Process to be issued out of the said Court for First-Fruits, Crown-Rent and Port-Corn, according to the proportion so certified.

Church-wardens of such Parish how to be elected.

After Presentation and Institution, or Collation⁹⁶ on and Induction of such Clerk to such united Parish, such Clerk or Incumbent, with the Parishioners and Inhabitants of such Parish, or parts of a Parish, which shall be then vacant, and become part of the said united Parish, shall proceed to the Election of Church-wardens, and other Parish-Officers, as by Law they might, if the other parts of such united Parish had become void; which Church-wardens, and Officers, shall be elected and appointed as they are in other Parishes, till the other parts of such united Parish become void; and after such Avoidance, the Election, &c. shall be in the same manner, and at the same time, and by the same Persons, as is used in other Parishes of the Diocess in which such new-erected or united Parish lies.

Parish-Clerks.

7 *Geo. 2. c. 7. pars.* Parish-Clerks in Controversies with their Parishioners about their Dues may make their Complaint in Writing to one or more Justices of the Peate of the County, County of a City, or Town where the Parishes lie, who may determine the same, with the same Powers and under the same Restrictions, and with the like Remedy of Appeal as by 1. *Geo. 2. c. 12. concerning Tythes.*

- 1 8 **Hen.** 7. c. 1. Every Man inhabiting, or that hath any House or Shop, upon the River or Poddell in *St. Patrick's Street* in *Dublin*, shall cleanse the said Precinct of his Tenement, to the said Channel, as it was of old Time, upon Pain of 20 Shillings, to be levied by the Proctor of the said Church for the Time being.
- 2 And none shall estop or disturb the free Passage of the said Water, upon the like pain, to be levied in the same Manner.
- 3 17 & 18 **Car.** 2. sess. 5. c. 21. The Mayor of the City of *Dublin*, the Archbishop of the City of *Dublin*, *Edward* Earl of *Meath*, the Lord Chief Justices of the *King's-Bench* and *Common-Pleas*, and the Lord Chief Baron of the *Exchequer*, the King's Principal Secretary of State, His Attorney and Solicitor General, the Dean of the Cathedral Church of the *Holy Trinity*, *Dublin*, the Dean of the Cathedral Church of *St. Patrick*, *Dublin*, and the Recorder of the City of *Dublin*, all for the Time being, or any five or more of them, whereof the Archbishop to be always one, are appointed Commissioners for the preserving the said Cathedral of *St. Patrick's*, from Ruin or Decay, by Means of the Nuisance of the Water-course called the *Poddell*, which runs on either Side of *St. Patrick's-street*, and the Innundation of sudden Floods; and from Time to Time to meet together, at such Times and Places as they shall think convenient: And by the Oath of good and lawful Men, or other lawful Ways, to enquire of the Causes of the Nuisance and Overflowings, or by whom and by what Means occasioned, and how the same may be remedied and prevented, and to examine upon Oath such Persons, as shall be produced before them to give Information touching the Stoppage and Overflowing of the said Water-
ter-

ter-course, within the County of *Dublin*, or within the County of the City of *Dublin*, or within any Liberties.

And if upon Inquiry and Examination as aforesaid, it appear to the said Commissioners, or any five or more of them, that the Nuisance is occasioned in part or in whole, by any Inhabitant dwelling upon or near the said Water-course, or any other, under whom such Inhabitant claims any Interest, then upon Conviction of such Person of such Nuisance, by the Oath of two credible Witnesses (which Oath the Commissioners, or any five or more of them may administer) or by Confession of the Party, or notorious Evidence of the Fact, they are to make a Record of such Offences, under their Hands and Seals, which Record shall remain in the Custody of the Mayor of the City of *Dublin*, and his Successors, and shall to all Intents be taken for a perfect Conviction of every such Offender or Offence; and thereupon the said Commissioners, or any five, &c. under their Hands and Seals, may require such Person so convicted, to cause the said Nuisance to be removed at his own Costs and Charges, within such reasonable Time as they shall think fit to appoint for that Work; and in case of Refusal or Neglect, to impose a Fine (not exceeding five Pounds) upon the Offenders, and commit them to the next Goal, without Bail, until at their own proper Costs and Charges, they shall fully remove such Nuisance, according to the Purport of such Precept.

And if such Offender shall again commit the like Offence, and be convicted as aforesaid, then to be imprisoned by Warrant from the Commissioners, or any 5, &c. until he have, at his own proper Costs and Charges, removed such Nuisance and paid, to such Persons as they shall appoint, such Sum of Money, not exceeding 10*l*.

as they shall fine such Offender at, for such second
6 Offence.---And if any after such second Offence,
shall again commit the like Offence, then upon
Conviction thereof (in manner aforesaid) to be
committed to Prison as aforesaid (every time so
offending) there to remain until the Offender,
at his own proper Costs and Charges, have re-
moved such Nuisance, and paid such Sum, not
exceeding 10*l.* as he shall be fined at, as afore-
said.

7 And the said Commissioners, or any 5, &c.
may order the making of any new Grafts, Vaults
or Cellars, or to cut into any Drain or Cellar al-
ready made, or the altering, enlarging, amend-
ing or scowering of old Vaults, Sinks or common
Cellars, for the making, amending or altering
of any new or old Pavement, or taking away of
cross Gutters or Channels, or for the removing
of any kind of Nuisances, or any Encroachments
by Sheads, Stalls, Bulks, Stumps, Posts or
Walls, beyond the old Foundations in the Streets
(in such places which shall be adjudged conven-
ient) and to hinder the Passage; provided that
such Incroachments (which are Nuisances) that
have continued above 30 Years last past, shall
not be removed, nor any new Grafts or Cellars
made, until reasonable Satisfaction shall be gi-
ven by the said Commissioners, to the Parties
that shall suffer thereby. And if any shall own
the said Incroachments, or shall not accept of
such reasonable Satisfaction, as shall be tendered
or offered by the Commissioners, &c. for the
pulling down or removing the same, or making
new Grafts, &c. then the Lord Chancellor of
Ireland, upon the Petition of the Parties to him,
shall adjudge them what Satisfaction is fit.

8 All such Fines as shall be imposed, shall be
levied by Warrant under the Seals of the Com-
missioners, or any 5, &c. directed to the Con-
stable

stable or Constables of the Parish, where such Offenders do live, who upon Receipt thereof, shall go to the Persons so fined, and demand Payment, and upon Neglect or Refusal, to distrain and sell the Distress, paying the Overplus (if any shall remain over and above the Fine) back to the Parties distrained; and the Monies received or levied by the Constables, to be paid by them to such Persons (as by the said Commissioners, or any 5, &c. shall be appointed) who are to receive the same, and dispose thereof from time to time (for the removing of the said Nuisances, and preserving the said Cathedral from Inundations) as the said Commissioners, by Warrant under their Hands, shall direct.——If the Constables neglect or refuse to execute such Warrants, they may be imprisoned for any Time not exceeding 6 Months, and pay such Fine as the Commissioners or any 5, &c. shall think fit to impose (not exceeding 5 l.) to be levied in manner aforesaid, and may also, by Warrant under their Hands and Seals, commit such Offenders to the next Goal, whom the Goaler is to receive and detain in safe Custody according to the Warrant, in pain of 5 l. to be levied as aforesaid.

And if, upon Inquiry and due Consideration,¹⁰ the Commissioners or any 5, &c. find that the Fabrick of the said Cathedral Church cannot be preserved from Ruin, nor the Dwellings of the neighbouring Inhabitants from so frequent Overflowings, without some considerable Expence of Moneys, they may in such Case lay such a Tax or Assessment (upon the Dean, Dignitaries and Prebends of the said Cathedral Church of *St. Patrick's, Dublin*, and the several Inhabitants of *St. Patrick-street*, and in the Close of the said Cathedral, and on all Persons that lie within the Liberties of *St. Sepulchres* and *Donore*, or within

- within the Level and Danger of the said Inundation) as they shall conceive may be sufficient for effecting the Work. — Provided, that none be assessed above 5 *l.* in any one Year; and the said Commissioners or any 5, &c. may, by Precept under their Hands and Seals, cause the said Moneys to be equally assessed upon the several Parishioners and Inhabitants of the places aforesaid, and to be collected and levied by Distress and Sale as afore-mentioned, and to be paid to such Persons as they shall appoint, who shall issue out the same from time to time, as the said Commissioners or any 5, &c. shall think fit. — And if any be sued at any time for putting in execution any of the powers contained in this Act, they may plead the General Issue, and give the special Matter in Evidence; and if the Plaintiff be non-suit, or a Verdict pass for the Defendant, or the Plaintiff discontinue his Action, or if upon Demurrer Judgment be given for the Defendant, he shall have treble Costs.
- 13 The Commissioners or any 5, &c. are to appoint a Treasurer or Collector and Clerk to attend them, with such moderate Allowances as shall be thought fit, not exceeding 5 *s.* for each Day the Commissioners shall meet, and sit on the Matter aforesaid.

Pious Uses.

10 *Car. 1. Sess. 3. c. 1.* All Archbishops and Bishops of this Kingdom and their Successors, may from the Time of any Grant or Estate to them and their Successors made, or to be made, either by King *Jac. 1.* King *Car. 1.* or any of their Heirs or Successors, or by any other Persons, Bodies politick and corporate, of any Manors, Lands, Tenements, Tythes, Pensions, Profits, or other Hereditaments, unto the Use or upon Trust,

Trust, for the Erection, Maintenance or Support of any College, School, Lecture in Divinity, or in any the liberal Arts or Sciences, or for the Relief or Maintenance of any manner of poor Persons, or for the building, re-edifying or maintaining in Repair, of any Church, College, School or Hospital, or for the Maintenance of any Minister and Preacher of the holy Word of God, or for the erection, building, maintaining or Repair, of any Bridges, Causeys, Cashes, Places and High-ways within this Realm, or for any other lawful and charitable Uses, warranted by the Laws of this Realm now in Force,

† Some Words
in this place in
the Statute at
large are
wanting.

† are and shall be taken and construed to be good and effectual in the Law, according to the true meaning thereof. — And the said Arch-² bishops and Bishops and their Successors, may be compelled by *Subpœna* in *Chancery*, or by Petition before the Lord Deputy and Privy Council of this Kingdom, at the Council-Board, to execute and perform all the said Trusts and Uses, according to the true Intent of the Charters, Deeds and Conveyances to them in that Behalf made or hereafter to be made, or of any other Deed or Writing, containing or directing the Uses thereof. — Saving to all others, their³ Heirs and Successors (other than the said Donors or Grantors, their Heirs and Successors) all their Right and Title.

Plantation Lands and Planters.

10 Car. 1. sess. 3. cap. 3. The King, His¹ Heirs and Successors shall be adjudged to be rightfully seized of a good Estate in Fee-simple, and in the actual and real Possession in Right of his Imperial Crown of *England* and *Ireland*, of all the Castles, Manors, Lands, &c. in the several Counties of *Tyrone*, *Armagh*, *Donegal*, *Fermanagh*,

managh, Cavan, London-Derry, Leitrim, and Longford, and the several Counties, commonly known by the Names of Ely O Carrol, alias O Carrols Country, Fercal, alias Molloyes Country, Kilcoursey, alias Fox his Country, Delvin Mac Cogblan, alias Mac Cogblans Country, in the King's-County; Upper Ossory, alias Mac Kilpatrick's County, and Iregan, alias Doynes Country, in the Queen's-County, the Murrows, Kilbobuck, Clanhenrick, Ferrenhammon, Killakeele, alias Mac Vadoch Country, Killcooleneline, alias Cooleneleine, alias Mac Moorishes Country, Kinsbelages Mac Domores Country, and Brackenagh, in the County of Wexford, and Ranelagh, alias Kooleranell, in the County of Wicklow; And also of and in the several Towns or Villages, Lands and Tenements, usually called Plantation Lands, in or near the Country of Clincolman, alias Omelagblins Country, in the County of West-Meath; and in or near the Country of Ranelagh, alias Coole-Ranell, in the County of Wicklow; and in or near the Country of Forrenonele, in or near the County of Wexford; and also of and in all the Castles, Manors, &c. in the several Counties of Waterford, Cork, Limerick, Kerry and Tipperary, usually called Plantation Lands, or heretofore passed by Letters Patents, to any British Undertakers as Plantation Lands, at such time whensoever any of them shall be within the Space of 5 Years next ensuing the end of this present Session of Parliament, new passed, granted or confirmed to any by Letters Patents under the Great Seal of this Kingdom, by Warrant of the Lord Deputy and Commissioners named by the King, for the Remedy of defective Titles now in Being, or hereafter to be in Being, former Patentees or Proprietors or so reputed (or such as by former Assignment have taken the Profits thereof) their Heirs or Assigns: And af-
ter

ter the new passing or sealing of any such Letters Patents to them, all and every such new Grantees, their Heirs, Successors and Assigns, shall and may for ever henceforth have and enjoy all and singular such Premises aforesaid, as shall be granted or confirmed as aforesaid, for such Estates as shall be limited therein, as well against the King, his Heirs and Successors, as against all other Persons whatsoever claiming any Right in or to all or any the said Castles, Manors, &c. to be passed and granted as aforesaid, freed and discharged from all former Rents and Arrearages, against the King, his Heirs and Successors.

Provided that this Act shall not bar or prejudice the Right or Title of any Archbishop, Bishop, Dean, Chapter, Archdeacon, Dignitary, Prebendary, Parson, Vicar, or other Spiritual or Ecclesiastical Persons, to any Manors, Lands, &c. being the Inheritance and Possession of their respective Churches or Benefices.

Poor.

4 Geo. 1. c. 14. *pars.* The piece of Ground in the Parish of St. Mary Shandon, in the North Suburbs of Cork, belonging to the Minister in Right of the said Church, whereon are erected 2 Schools, called *The Green-coat Hospital of the Parish of St. Mary Shandon*; and also a House for the Use of one Master and one Mistress, for the purposes aforesaid, with a convenient Library; as also a decent Alms-house for 18 poor decayed House-keepers of the said Parish, and all Buildings erected thereon, are hereby vested in the several Persons in the Act named as Trustees, and their Heirs, to the Intent that the said piece of Ground, and the Building thereon, shall for ever be applied to, and disposed of, to the charitable

ritable Uses aforesaid ; and the said Trustees are hereby created a Body politick or corporate, to that Intent only, by the Name of *Trustees for the Green-Coat Hospital, in the Parish of Shandon, in the City of Cork.*

2 The said Trustees, &c. or any 5 or more of them, being met in the Library of the said Hospital, the Minister of the said Parish having notice of such Meeting, may direct the Disbursement of all such Moneys as shall be given towards the educating and maintaining the said Children, and placing them out Apprentices, and paying the Salaries to the Master and Mistress, and the Support of the said 18 decayed House-keepers, and keeping the said Building in Repair, and other necessary Uses of the said Hospital ; and the said Trustees constituted by this Act, or any 5 of them, may add and elect, from time to time, such other Trustees as they shall see convenient ; and the Persons so elected, shall have like Authority, as is hereby vested in the Persons herein named.

3 This shall be taken to be a publick Act, saving to his Majesty, &c. and every other Person, Bodies politick and corporate, except the Minister of the Parish of *St. Mary Shandon*, &c. all their Right which they may have out of the said Land and Building, so settled for the said Charity.

Poor-House.

1 1 Geo. 2, c. 27. pars. There shall be paid Poor-House for all Houses within the severall Parishes of Money. the City of *Dublin*, and within the Liberties of *St. Sepulchres*, *Thomas-Court* and *Donore*, and within the Liberties of *Christ-Church* and *St. Patrick's*, 3 d. in the Pound for every

Q

Pound

Poor-house.

Pound of the yearly Value of every such House, as the Valuations are returned for the Collection of Ministers-Money in the City and Liberties aforesaid; and where no such Valuation is returned, the Sum of 3 *d.* in the Pound *per Annum*, according to the Rent payable by the Tenant in possession; and if such Rent is only a Ground-Rent, then according to the Rent that such House might be reasonably set for to a solvent Tenant, such Rent to be ascertained by four of the Parishioners named by the Church-Wardens, which 3 *d. per Pound* shall be payable during the Term of 21 Years, from the first Day of *May*, 1728, and to the End of the next Session of Parliament; and shall be a Charge on the Inhabitant of every House, and shall be levied by Distress, or otherwise, by the Church-Wardens of the respective Parishes, and in places *extra-parochial* by the Church-Wardens of the adjoining Parish, at such Time and in such Manner as the Ministers-Money in the said City is levied by 17 and 18 *Car. 2. c. 7.* and shall be by them paid to the Governors, for the Use of the Poor of the said House.

Overseers of
the Poor.

The Minister, Church-Wardens, and Parishioners of the several Parishes in the City and Suburbs of *Dublin* assembled in Vestry shall, yearly on *Easter Monday* or *Tuesday*, elect two or more Overseers of the Poor of each Parish, to be sworn into their Office by the Ordinary within one Month after Election, who shall take order for the Nursing and Maintaining all exposed or Foundling Children left upon the Parish, till they be admitted into the *Work-house*.

Parish Cesses.

The Minister, Church-Wardens and Parishioners in Vestry assembled, being at least thirteen in Number, or the major part of them, shall settle a Parish Cess for so much Money as they

they shall judge necessary for relieving and maintaining the Foundlings and exposed Children lying on such Parish, which Cess shall be equally apportioned in proportion to the Ministers Money charged on the several Houses, and shall be collected as other Parish Cesses for the Poor, and the Money so collected shall be paid to the said Overseers of the Poor for the Uses aforesaid; and all such Overseers shall on the Feast of *Ascension*, at a Meeting of the Minister and Parishioners then held for that purpose, deliver up their Accounts of all Sums of Money charged, received and applied by them towards the Maintenance of such Parish Foundlings, and also a Parchment Roll or List of all the Foundling Children which lay upon the Parish at the Time they entred on their Office, and which since came thereon, with the places where they were left, and the Time of such Exposure, and of their Death or Removal from the Parish, and the Names and Abodes of the Persons by whom they are nursed; which Account being examined and allowed by the Minister, Church-Wardens, Overseers and Parishioners assembled as aforesaid, or the major part of them, shall be entered in a Book kept for that purpose by the Church-Wardens of every such Parish, and shall be subscribed by the said Overseers, and no Composition shall be made by the said Overseers with the Nurses appointed to take care of such Foundling Children, but such Overseers shall Foundlings. pay an annual Stipend for nursing such Children, and the said Overseers shall see such Foundling Children quarterly, that they may be truly informed of the State and Condition of such Children, and whether they are sufficiently taken care of.

Duties on
Houses col-
lected by
Church-
Wardens.

3 Geo. 2. c. 17. *pars.* The Church-War-4
dens of the several Parishes, impowered by 1
Geo. 2. c. 27. to levy the Duties upon Houses in
the City of *Dublin*, the Liberties of *St. Sepul-
chres*, *Thomas-Court* and *Donore*, *Christ-Church*
and *St. Patrick's*, shall after the 25th of *March*,
1730, at the End of every six Months at far-
thest, collect the said Duty, and lay before the
Governors of the Work-house, an Account of
the Produce, and the Sums by them received,
and if required by the Governors, render the
said Account upon Oath, and pay the same to
the Receiver of the Work-house appointed by
the Governors, whose Acquittance shall be a suffi-
cient Discharge.

Penalty on
Misbehaviour.

If any such Church-Warden forswear himself;
in giving such Account, and be convicted, he
shall incur the same Penalties as a Person con-
victed of Perjury at Common-Law; and if such
Church-Warden refuses or neglects to collect,
account for, or pay the said Duty every six
Months, without some lawful Cause, to be ap-
proved of by the said Governors, he shall for-
feit 50 *l.* for every such Default, to be recovered
by Action of Debt, &c. in any of the Courts of
Record in *Dublin*, to be applied to the Use of
the said Work-house.

Valuation of
*extra-paro-
chial* Houses.

The Valuation of Houses *extra-parochial*, 6
shall be made by four of the Inhabitants of such
places *extra-parochial*, to be named by the Mi-
nister and Church-Wardens of such Parish con-
tiguous thereto, as the Court of Assistants of the
Governors of the Work-house shall appoint,
which Valuation shall be returned by them to
the said Court of Assistants, with an Affidavit
annexed, to be by them made before a Justice
of the Peace of the County of the City, or
County of *Dublin*, where such Houses lie, pur-
porting that such Valuation was made by them,
according

according to the best of their Skill and Knowledge, and without Partiality or Favour to any Person interested therein, which Sum of three Pence in the Pound charged on such Houses, shall be collected by the Church-Wardens of such adjoining Parish, the Minister and Church-Wardens whereof were by the said Court of Assistants appointed to name the Persons to make the said Valuation in the same manner, and to be accounted for and paid to the Governors, by the said Church-Wardens under the same Penalties and Forfeitures, as the Church-Wardens of other Parishes are liable to by this or the said former Act.

7 The Governors of the said Work-house shall **Foundlings.** receive from the Church-Wardens, all the Foundling Children then and thenceforward in the said City and Liberties adjoining, under the Age of 6 Years; and Houses in the said City, &c. charged, or to be charged, with three Pence in the Pound by 1 Geo. 2. c. 27. shall after the said time be charged for the Uses aforesaid, with an additional three Pence in the Pound for two Years, and to the End of next Session of Parliament, according to the same proportion, to be collected, paid, and accounted for, as the former three Pence in the Pound is to be collected, &c. and under the like Penalties; and during the said two Years no Money shall be levied by Vestry for the Maintenance of Foundlings in the said City, &c. **Additional Duty.**

8 5 GEO. 2. c. 14. pars. The Governors of the **Three Pence** Work-House of the City of *Dublin*, appointed by **in the Pound** 1 Geo. 2. or any 15 or more of them, may appoint **Duty.** so many Persons as they shall judge necessary, to collect for the Use of the said Work-house, from the Inhabitant or Inhabitants of every House, in the several Parishes of the said City, and within the Liberties of *St. Sepulchres, Thomas-Court*

and *Donore*, and the Liberties of *Christ-Church* and *St. Patrick's*, the Sum of three Pence in the Pound in the said Act mentioned, for every Pound of the yearly Value of such House, as the Valuations are returned for the Collection of Ministers Money in the said City and Liberties, and where there is no such Valuation, the like Sum of three Pence in the Pound *per Ann.* according to the Rent payable by the Tenant in possession; and if such Rent be only a Ground Rent, then according to the Rent such House might be reasonably set for to a solvent Tenant, to be ascertained by four of the Parishioners, to be named by the Church-Wardens according to the said Act, which Sum of three Pence in the Pound, shall be levied and received by the Persons so constituted by the said Governors, &c. for the Use of the Governors of the said Workhouse, by such Ways, &c. as the Church-Wardens were, by the said Act, directed to collect the same; and the said Governors, &c. shall pay to the Receivers of the said Tax, such Salaries as they shall judge necessary, not exceeding six Pence for every Pound they shall receive.

Foundlings.

The additional Duty of three Pence in the Pound, charged by 3 *Geo. 2.* for the Maintenance of Foundling Children, shall continue, and be collected for the said Use, for the like Term as the other Duty of three Pence in the Pound is by the said first recited Act directed to continue, and during the said Term, no Money shall be levied by Vestry for the Maintenance of such Foundlings in the said City of *Dublin* and Liberties.

Receivers of the Duty.

The Governors, &c. may appoint one or more Receivers of the last mentioned additional Tax, who may collect and distrain for the same for the Use aforesaid, by the same ways, &c. as the

the Church-Wardens of the said several Parishes, were by the said recited Acts or either of them, directed to collect the same, and shall account for, and pay the same, to the Governors of the Work-house, for the Uses aforesaid, in such manner as the said Church-Wardens were obliged to do by the said recited Acts, or either of them; which Collectors of the said additional Tax, shall be paid six Pence, for every Pound they shall receive.

- II If any Church-Wardens shall not in the Space of one Month, after Notice given them by the Court of Assistants, or their Officer, value such Houses as they shall signify as aforesaid, or if any of the said Church-Wardens, shall hereafter refuse or neglect to make up their Parish Accounts upon Oath, in respect of what is now, or shall hereafter be due from their Parishes, to the said Governors, for the Use of the said House and Foundlings, such Church-Wardens after one Month's Notice as aforesaid, and not rendring a just Account upon Oath, to be approved of by the said Governors or any fifteen or more of them, shall forfeit fifty Pounds for every such Default, to be recovered by Action of Debt, &c. in any of the King's Courts of Record in *Dublin*, to be applied to the Use of the said Work-house.

Penalty on Church-Wardens Neglect.

Premunire.

- 1 3 Ric. 2. c. 3. En. None shall take a Benefice of an Alien, nor convey any Money to him for the Farm thereof, in pain of a *Premunire*.
- 2 7 Ric. 2. c. 12. En. No Alien shall purchase a Benefice in this Realm, nor occupy the same without the King's Licence, in pain of a *Premunire*.

Premunire.

12 Ric. 2. c. 15. *En.* If any go out of the Realm to procure (by way of Provision) a Benefice within the Realm, he shall be out of the King's Protection, and the Benefice shall be void.

16 Ric. 2. 5. *En.* None shall purchase Bulls or other Instruments from Rome, or elsewhere, on pain to incur a *Premunire*. The Crown of England is subject to none.

2 Hen. 4. 3 & 4. *En.* Religious Persons, purchasing Bulls from the Pope to be exempted from Obedience or Tythes, shall incur a *Premunire*.

7 Hen. 4. 8. *En.* No Provision shall be made by the Pope, or Licence or Pardon by the King, touching any Benefice then full of an Incumbent.

3 Hen. 5. 4. *En.* All Provisions made by the Pope, and Licences or Pardons by the King, touching any Benefices full of an Incumbent, shall be void, and the Provisors thereof shall incur a *Premunire*.

2 Ann. Sess. 1. c. 6. *pars.* If any Person shall seduce, persuade or pervert any Person professing, or that shall profess the Protestant Religion, to renounce, forsake or abjure the same, and to profess the popish Religion, or reconcile such Person to the Church of Rome, every such Person so seducing, as also such Protestant so seduced, perverted and reconciled to Popery, shall incur the Penalty of *Premunire* mentioned in the Stat. of *Premunire*, 16 Ric. 2. *En.*

Prerogative.

17 Ed. 2. c. 15. *En.* When the King granteth Land, or a Manor with the Appurtenances, without mentioning Knights Fees, Advowsons of

of Churches, and Dowers, when they fall, belonging to such Manors or Land, then the King reserveth them to himielf, albeit amongst other Persons it hath been otherwise observed.

Presentation.

1 10 & 11 **Car. 1. Sess. 4. c. 2.** All Persons of full Age, *Sane Memorie*, and not Covert Baron, and all Bodies politick and corporate, who shall be seized of any Estate of Inheritance in possession of and in any Parsonages, Vicarages and other Benefices appropriate withint his Realm, may by their Writing under Seal, present a lawful and sufficient Clerk for the same, to the Ordinary or Metropolitan of the Diocess where the same lies; who upon such Presentation shall admit such Clerk, and him institute and cause to be inducted into the said Church and Benefice, which Presentation, and Admissi-on, &c. shall be inrolled in the Court of *Exchequer*, at the charge of the Parson so presented (or of the Party that presented him if he please) after which the said Appropriation shall be for ever dissolved; and the said Rectory, Vicarage, or other Benefice whatsoever it be, Dis-appropriate, and thenceforth for ever shall become presentative by the Donors thereof, their Heirs, Successors and Assigns, in such Manner and Form as other Churches presentative, are by other Patrons, when and as often as they shall become void.

2 A Saving to the King, his Heirs and Successors, and all others their Heirs and Successors (other than the said Donors and Devisors of any such Premisses, &c. their Heirs and Successors) all their Right and Title,

Probat

31 **Ed. 3. c. 4. En.** Bishops shall restrain their Officers from taking excessive Fees for Probats of Testaments, in pain to have them indicted before the Justices for Extortion, as hath been heretofore used.

Prohibition and Consultation.

De circumspedite agatis, 13 **Ed. 1. En.** For Penance corporal or pecuniary enjoined for deadly Sin, as Fornication, Adultery, or the like: Also for not fencing the Church-yard, or not repairing the Church, or sufficiently adorning it, a Prohibition lieth not; nor for Oblations, Tythes, Mortuaries, Pensions, laying violent Hands upon a Clerk, Defamation (when Money is not demanded) nor for breaking an Oath.

De Consultatione, 24 **Ed. 1. En.** When the Chancellor or Chief Justices (upon sight of the Libel) conceive that the Plaintiff cannot have Remedy in any temporal Court, the Plaintiff shall have Consultation, *viz.* the said Chancellor or Chief Justices shall write to the Ecclesiastical Judges before whom the Cause depends, that they proceed therein notwithstanding the King's Prohibition.

Artic. Cler. Cap. 1. 9 Ed. 2. En. For Tythes, Oblations, Obventions or Mortuaries, when they are propounded under those Names, the King's Prohibition shall not hold place, albeit for the long with-holding of them they come to a pecuniary Estimation; but if an Ecclesiastical Person lodge his Tythes in his Barn, and then sell them for Money, if that Money be demanded before a Spiritual Judge, for this a Prohibition lieth; for by the Sale they are made Temporal.

Cap.

- 4 *Cap. 2.* If Debate arise upon the Right of Tythes, (having his Original from the Right of Patronage) and the Quantity of the same Tythes do amount to a fourth part of the Goods of the Church, for this a Prohibition lieth: also if a pecuniary Penance be demanded in the Court Christian, a Prohibition lieth; but if a Prelate injoin corporal Penance, and the party afterwards commutes for Money, that Money is recoverable in the Court Christian, and in that case a Prohibition lieth not.
- 5 *Cap. 3.* If any lay violent Hands upon a Clerk, the amends for the Peace broken shall be before the King, and for the Excommunication, before a Prelate; and if corporal Penance be enjoined, and the Offender will redeem it with Money to give to the Prelate or Party grieved, it shall be required before the Prelate, and the King's Prohibition lieth not.
- 6 *Cap. 4.* Also in Defamations the Prelates may correct, notwithstanding the King's Prohibition.
- 7 *Cap. 5.* No Prohibition shall be granted, where Tythe is demanded out of a Mill newly erected.
- 8 1 *Ed. 3. Stat. 2. 11. En.* A Prohibition is granted against those who in the Spiritual Court do sue their Indictors.
- 9 18 *Ed. 3. Stat. 3. 5. En.* No Prohibition shall be awarded but where the King hath Conusance.
- 10 45 *Ed. 3. 3. En.* A Prohibition (and an Attachment thereupon) shall be granted, where a Suit is commenced in the Spiritual Court for Tythes of Underwood above twenty Years Growth in the Name of *Sylva cedua*.

Prohibition and Consultation.

50 ED. 3. 4. *En.* No Prohibition shall be allowed after Consultation duly granted, so as the Matter in the Libel be not charged. (a)

Provisors.

The Statute of Provisors, 25 ED. 3. Stat. 5. 1 made to prevent Collations of Benefices in *England* by the Pope to the *Provisors* or *Procurors* thereof, as well Aliens as Denizens : And here the Penalty was Imprisonment without Bail, until he should make Fine to the King, and Satisfaction

(a) Concerning Prohibitions, the following Points have been Resolved.

1. That where the Spiritual Court proceeds in a Matter merely Spiritual, if they proceed in their own manner, although it be different from the Common Law, no Prohibition lies, as in Probate of Wills if they refuse one Witness.

2. Where the Spiritual Court hath Conusance of the original Matter, and an Incident happens which is of temporal Conusance, or triable by the Common Law, they shall try the Incident, but must try it as the Common Law would.

3. That it is too late for a Prohibition after Sentence, for the Sentence is the Grievance.

4. Where it appears by the Libel, or by the Proceedings, that the Conusance of the Cause does not belong to the Spiritual Court, a Prohibition may be granted after Sentence, and this holds in all Cases, but where one is sued out of the Diocese, for there, if he does not take Advantage of it before Sentence, he shall not have a Prohibition after, because the Cause belongs to the Spiritual Court, and though it does not belong to that Spiritual Court, yet it belongs to some other, and not to the Temporal Court.

5. Where the Matter of the Suggestion does not appear on the Face of the Libel, an Affidavit of the Truth of the Suggestion is necessary. *Salk.* 547, 548, 549.

See the Answers to *Articuli Cleri*, and my Lord Coke's Reading upon the Stat. of *Circumspect. Agatis*, in 2 *Inst.* 487, 599, &c.

tisfaction to the Party grieved, if he were taken; but if not, the *Exigent* should run against him.

2 13 Ric. 2. Stat. 2. c. 3. En. A Confirmation of the *Statute of Provisors*, 25 Ed. 3. and if any accept of a Benefice contrary to the said Statute, he shall incur a *Præmunire*, and suffer perpetual Banishment.

3 32 Hen. 6. c. 1. All Statutes against Provisors as well in *England* as in *Ireland*, shall be had and kept in Force within this Land. 25 E. 3. Stat. 5. c. 22. 25 E. 3. Stat. 6. c. 1. En. 13 R.

4 He who sues any *Provision* against any Man beneficed in *Ireland*, and by virtue thereof enters into any Benefice of the Church, and takes any Goods or Chattels from any against whom such *Provisions* are sued, the Party grieved shall recover treble Damages, and the Offender, being thereof convicted, shall pay 20 l. half to the King, and half to him that will sue. 2. c. 2, 3. 16 R. 2. c. 5. 2 H. 4. c. 3, 4. 7 H. 4. c. 8. 3 H. 5. c. 4. En.

5 7 Ed. 4. c. 2. He that shall purchase and accept any Benefice to hold in *Commendam* by Bulls of the Pope, shall be out of the King's Protection, and shall forfeit the Value of the said Benefice during his Natural Life, and shall incur all the Penalties of the Statute made against Provisors of Benefices; and no Pardon or Licence of the King shall avail him, if it be not by Act of Parliament.

6 And if any by virtue of such Bulls, occupy any Benefice in *Commendam* of his own Collation, he shall make Collation thereof within six Months, or else the Dean and Chapter of the Diocese, where it is, shall make Collation of it within six Months then next following.

7 And if the Dean and Chapter make no Collation within the said time, then the King shall present to the Benefice for that time as often as the Case requires.

7 Ed. 4. c. 3. All Letters-Patents of the King of Pardon, to all that claim any Title to any Benefice by the Pope's Bull, such Benefice being full of an Incumbent at the Time of obtaining the Bulls, shall be void and of none Effect.

10 Hen. 7. c. 5. All Statutes made in Eng^land and Ireland against Provisors are confirmed, and to be duly put in Execution in this Land.

And the King's Justices and Commissioners to inquire diligently at their Sessions, and all other times requisite, of such as offend against the said Statutes or any of them, and to punish and make them exemplary to others in time to come, according to the purport of the said Statutes.

Quare-impedit.

See *ante tit.*

Essoign Sect. 1.

1 Geo. 2. c. 23. From the End of this Session of Parliament, no more than one *Essoin* shall be cast or allowed on any Writ of *Quare-impedit*, but the Defendant being duly summoned to appear on the Day mentioned in the Writ, and the Defendant not appearing by himself or his Attorney, an Attachment shall immediately issue, and at the Return of the Attachment, the Grand Distress, in order to compel the Defendant to appear.

In all Cases where His Majesty, &c. or any other Patron shall recover in any Action of *Quare-impedit*, after such Recovery the Clerk of the King, &c. and of such Patron so recovering, and the Executors and Administrators of such Clerk, may prefer his Bill in *Chancery* or *Exchequer*, against the Clerk Defendant, whether of the King's Presentation or of the Presentation or Collation of any other Person, his Executors and Administrators, for an Account of the Profits of the Benefice so recovered, from the time the

the Defendant in *Quare-impe-dit* shall be returned to have been summoned, and the *Chancery* or *Exchequer* shall decree a reasonable Value of the Profits against such Clerk Defendant, his Executors and Administrators, unless the Clerk Defendant, his Executors, and Administrators shall before such Suit, voluntarily make Oath in Writing, before the Ordinary of the Diocese in which such Living shall lye, what he set the same for, or made thereof *bona fide*, and shall offer to account for the same, and make payment, in which case the Clerk of the Party recovering shall be concluded by such Oath, and receive the Mesne profits accordingly, subject to the Allowances and Deductions in this Act.

3 Provided, nothing herein shall entitle the Clerk of any Person recovering to any Profits incurred before the 29th of *September*, 1719.

4 Provided, where Judgment shall be given upon Demurrer, and the Defendant in *Quare-impe-dit* shall bring a Writ of Error to another Court, the Clerk Defendant in *Quare-impe-dit* shall, upon Affirmation of the Judgment, be accountable in Manner aforesaid, for all the Profits of such Benefice so recovered from the Time of obtaining such Judgment upon Demurrer.

5 Provided, the Bishop or Ordinary of the Diocese where such Benefice lies, or the Guardian of the Spiritualities, may allow by Writing under Hand and Seal, yearly during such Contest, any Sum not exceeding 60 *l. per Annum*, except where there was one or more Curates ordinarily employed in that Parish before the Vacancy, in which case the Bishop may make a reasonable Allowance for every such Curate, provided such Allowance does not exceed 30 *l. per Annum*, to every such Curate, if such Curate shall be licensed and actually employed in such Cure during the Suit, unless the third part of the annual Profits

fits shall exceed that Sum ; in which case the Ordinary may allow any Sum not exceeding the third part of the annual Profits of such Benefice, and so proportionably for every less Space of Time, to be paid such Clerk Defendant having actual Cure of Souls, and serving the Cure by himself or his Curate thereunto licensed by the Bishop or Ordinary, or to such other Curate duly appointed to serve the Cure in case of Vacancy and Sequestration, which Allocation and Service of the Cure being certified under the Hand and Seal of the Bishop or Ordinary, or Guardian of the Spiritualities, such Sum shall be allowed in the aforesaid Account of the Profits.

No Usurpation upon any Avoidance which⁶ may happen from the 1st of May, 1728, in any Church, Vicarage or other Ecclesiastical Promotion, shall displace the Estate or Interest of any Person intitled to the Advowson or Patronage thereof, or turn it to a Right, but he, that would have a Right, if no Usurpation had been, may present or maintain his *Quare-Implet* upon the next or any other Avoidance, if disturbed, notwithstanding such Usurpation ; and if Copartners Joint-tenants, or Tenants in common, be seized of any Estate of Inheritance in the Advowson of any Church, Vicarage or other Ecclesiastical Promotion, and a Partition shall be made to present, by Turns, every one shall be adjudged to be seized of his separate part of the Advowson, to present in his Turn as if there be 2, and they make such Partition, each shall be said to be seized, the one of the one Moiety to present in the first Turn, the other of the other Moiety to present in the second Turn ; in like manner, if there be 3, 4, or more, every one shall be said to be seized of his part, and to present in his Turn.

To continue for 7 Years, and to the End of next Session.

Continued by 7 Geo. 2. c. 7. to the 25th of March, 1740. and to the End of next Session. By 13 Geo. 2d. cap. 4. made perpetual.

Quarta-pars.

1 4 Geo. 1. c. 14. *pars.* The Lord Archbishop of *Tuam*, and his Successors, are hereby divested of all the *Quarta-pars*, and every parcel thereof, within the united Diocess of *Tuam* and *Enaghdoen*.

2 Where one Incumbent, within the said united Diocess, is intitled to and possessed of more Benefices than one, the said Archbishop, &c. may accept of a Resignation of some one or more of the said Benefices, and in lieu thereof, may settle upon the said Incumbent, &c. so much of the said *Quarta-pars*, as arises out of the remaining part of his said Benefices, which continue unresigned; and if such Incumbent shall not agree to such Resignation as by the said Archbishop, &c. shall be thought reasonable, then the said Archbishop, &c. by Instrument under the Archiepiscopal Seal, may dispose of so much of the said *Quarta-pars*, as arises out of the several Benefices of the said Incumbent, during his Incumbency, unto any lawfully ordained Priest or Priests of the Church of *Ireland* as by Law established; provided such Priest, during his Enjoyment of such proportion of the said *Quarta-pars*, shall be resident upon or near some one of the Benefices out of which the said proportion of the *Quarta-pars* arises, and shall give such Assistance to the said Incumbent, in Discharge of the Cure of the said Benefices, as the said Archbishop, &c.

R

with

Quarta-pars.

with the consent of such Incumbent, shall appoint; and from and after the Determination of the Incumbency of such Incumbent, the proportion of the said *Quarta-pars*, arising out of the said Benefices, shall for ever be united unto, and deemed as part of each Benefice respectively.

Where any Incumbent within the said united Diocess, has no more than one Benefice, the proportion of the said *Quarta-pars*, arising out of such Benefice, shall from this time forth be united unto and deemed as part of the said Benefice.

Provided, where one Incumbent enjoys the Rectorial, and another the Vicarial or other part of any Parish, such proportion of the *Quarta-pars* as arises out of the said Parish, shall always, under the Conditions in this Act, pass and be reckoned to belong to him, who by Law is obliged to discharge the immediate Cure of the said Parish, and where the Rectory and Vicarage of any Parish are both impropriate or appropriate, such *Quarta-pars* shall be added to the Maintenance of such licensed Curate, as shall actually serve the Cure of the said Parish.

The said Archbishop, &c. from Time to Time, in Manner aforesaid, may dispose of such proportion of the said *Quarta-pars*, as arises out of certain Parishes which are appropriate unto the Collegiate Church of St. Nicholas, otherwise called the *King's College*, in the Town of *Galway*, unto any lawfully ordained Priest or Priests, as aforesaid, for Life; provided every such Priest, during his Enjoyment of the same, shall be resident upon or near some one of the said appropriate Parishes, and give such Assistance in Discharge of the Cure, unto the Warden and Vicars of the said Collegiate Church,

as the said Archbishop, &c. with the consent of the Warden, shall appoint.

6 Provided, nothing herein shall corroborate or any ways confirm any Charter of Incorporation of the said Collegiate Church.

7 Provided, every such Priest or licensed Curate, to whom any part of the *Quarta-pars* shall be given, shall take such Oaths, and make such Declarations and Subscriptions, as by the Laws and Canons of this Church and Kingdom, he is or would be obliged to, upon his Institution to any Ecclesiastical Benefice.

This shall be deemed a publick Act, and no Fee shall be paid for passing the same.

Quod permittat.

1 *West. 2. 13 Ed. 1. c. 24. En.* In like manner as a Parson of a Church may recover Common of Pasture by a Writ of *Novel Disseisin*, so his Successor shall have a *Quod permittat* against the Disseisor or his Heir, though there was never such a Writ granted out of the Chancery before.

Quo Warranto.

1 *Gul. & par. sess. 2. c. 9. En.* All Cities, Burroughs and Towns, and Bodies Corporate, Ecclesiastical and Temporal in *Ireland*, are hereby declared to be restored to all Intents and Purposes, as they were upon the 24th Day of *June*, 1683. Any Proceedings against them by *Quo Warranto*, *Scire facias*, &c. on any proceedings, Judgments or Executions thereon, or any new Charter, Grant, Commission, or any Surrender or other Acts since that Time to the contrary notwithstanding.

Quo Warranto.

All which Writs, Suits, Proceedings, Judgments, Seifures, Executions, Charters, Grants, Commissions and Surrenders, are hereby declared void.

Recoveries.

7 H. 8. c. 4. 33 Hen. 8. Sess. 1. Cap. 13. Recoverers of Mannors, Lands, Tenements and Advowsons, their Heirs and Assigns, may distrain for Rents, Services and Customs, due and unpaid, and make Avowry and justify the same, and have like Remedy for recovering the same, as those Persons against whom the Recovery was had, should have done, if the said Recovery had not been had; and shall also have a *Quare Impedit* for an Advowson, (if upon Avoidance) any Disturbance be made, as those Persons against whom the said Recoveries were had, might or should have had by course of the Common-Law afore the said Recovery, if any Disturbance had been had in their times.

Dyer. 141. 19. And hereevery Avowant or Bailiff in any Replegiare or second Deliverance, if their Avowry, H. 8. 11. Br. Damage. 8. 2. Cognizance or Justification be found for them, Rel. 140. Cr. or the Plaintiffs in the said Actions otherwise f. 520. 14. El. Barred, shall recover their Damages and Costs; c. 8 En. 1. In. as the Plaintiffs should have done if they had recovered in said Replevins.

Rectories Improprate.

5 Ann. c. 25. En. Rectories impropriate with the Tythes, Oblations, Obventions, Glebes, and Advowsons of Vicaridges, vested in the Trustees, by 11 W. 3. c. 2. and since granted or restored contrary to the intent of that Act, to any Persons by any subsequent Acts in which are any clauses in favour of the Church of Ireland,

Ireland, are hereby divested out of them and are vested in *William Neeve, Marmaduke Cogbil, Morley Saunders, Samuel Dopping, John Ulber,* and *Stephen Ludlow*, their Heirs, Executors, Administrators and Assigns, according to the several Estates and Interests vested in the said Trustees in the said 1st Act to the uses therein.

2 Bonds concerning the said Rectories, &c. to be recoverable in the Name of the Obligees, and to be by them, their Heirs, &c. paid to the said *William Neeve, &c.*

3 The tenth of the Rents of such Tythes, reserved in gross upon Leases allowed by the Trustees in 11 W. 3. shall during the said Leases, be paid to the said *William Neeve, &c.* in lieu of the Tythes, and afterwards the full Tythes in Kind, or the *Modus* which hath been legally settled; in Trust nevertheless for the Uses in the said first Act.

Religion.

1 6 Geo. 1. c. 5. The Stat. 2 Eliz. for the Uniformity of the Common Prayer, &c. whereby all Persons are required to resort to their Parish-church or Chappel, or some usual Place of Common Prayer, &c. shall not extend to any Protestant dissenting from the Church of *Ireland*, that shall take the Oaths following, viz. 1 Gul. & Mar. c. 18. En.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King George.

So help me God.

I A. B. do swear, That I do from my Heart abhor, detest and abjure, as impious and heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever: And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Prebeminence or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God.

And shall, at the same time, make and subscribe the Declaration following, viz.

I A. B. do solemnly and sincerely, in the Presence of God, profess, testify and declare, That I do believe, that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof, by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous: And I do solemnly, in the Presence of God, profess, testify and declare, That I do make this Declaration, and every part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever; or without any Hope of Dispensation

penfation from any Person or Authority whatfoever, or without believing that I am or can be acquitted before God or Man, or absolved of this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power whatfoever, should difpenfe with or annul the fame, or declare that it was null and void from the beginning.

And fhall alfo, at the fame time, take the Oath following,

I A. B. *do truly and fincerely acknowledge, profefs, testify and declare in my Confcience, before God and the World, That our Sovereign Lord King George, is lawful and rightful King of Great-Britain and of this Realm, and of all other His Majesty's Dominions and Countries, to the Realm of Great-Britain belonging. And I do folemnly and fincerely declare, That I do believe in my Confcience, that the Person pretending to be Prince of Wales during the Life of the late King James, and fince his Deceafe pretending to be and taking upon himfelf the Stile and Title of King of England by the Name of James the Third, or of Scotland by the Name of James the Eighth, or the Stile and Title of King of Great-Britain, hath not any Right or Title whatfoever to the Crown of Great-Britain or of this Realm, or of any other His Majesty's Dominions or Countries to the Realm of Great-Britain belonging. And I do renounce, refufe and abjure any Allegiance or Obedience to him. And I do fwear, That I will bear Faith and true Allegiance to his Majesty King George, and Him will defend to the utmoft of my Power, againft all traiterous Conspiracies and Attempts whatfoever, which fhall be made againft his Person, Crown or Dignity; and I will do my utmoft Endeavours to difclofe and make known to His Majesty and His Successors, all Treafons and traiterous*

Religion.

vous Conspiracies which I shall know to be against Him or any of Them. And I do faithfully promise to the utmost of my Power to support, maintain and defend the Succession of the Crown against him the said James, and all other Persons whatsoever, which Succession by an Act, Intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands limited to the Princess Sophia, Electress and Dutchess Dowager of Hanover, and the Heirs of Her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion or Secret Reservation whatsoever. And I make this Recognition, Acknowledgment, Abjuration, Renunciation and Promise, heartily, willingly and truly, upon the true Faith of a Christian.

So help me God.

Which Oaths and Declaration, the Justices of Peace at their Quarter-Sessions are required to administer, to Persons offering themselves to take them, &c. and thereof keep a Register, and no Fee or Reward to be paid or given to the Officer of the Court, above 6 *d.* for such Entry, and that but once, nor above the further Sum of 6 *d.* for a Certificate thereof, to be made and signed by such Officer upon Request.

If any Assembly of Persons, dissenting from³ the Church of Ireland, shall be had in any Place for religious Worship, with the Doors locked, barred or bolted, during any Time of such Meeting, the Preacher or Teacher in such Assembly, shall for such Offence, forfeit 10 *l.* and every

every other Person that shall be at such Meeting, shall forfeit 10 s. which Penalties of 10 l. and 10 s. respectively shall go, the one Moiety to the Use of the Poor of the Parish where the Offence shall be committed, and the other to such Person as shall sue for the same, so as the said Penalties be sued for at the Assizes held next after the Offence committed, for such County, or County of a City where the Offence shall be committed, by Civil Bill or Action of Debt, &c.

4 Provided nothing herein shall exempt any of the Persons aforesaid, from paying Tythes or other parochial Duties to the Church or Minister, nor from any Prosecution for the same.

5 If any Person dissenting from the Church of *Ireland*, shall be chosen or appointed to any parochial or Ward-Office, and shall scruple to take it upon him, in regard of the Oaths or any other thing required by Law ; such Person may execute his Office by a Deputy, that shall comply with the Laws in that Behalf, such Deputy to be allowed and approved, as such Officer himself should have been.

6 Every person who shall execute any of the said Offices by Deputy, shall be answerable for all Money that shall come to the Deputy's Hands, by Reason of such Office, in the same Manner, as if he himself had executed the said Office in Person, and such Moneys had come to his Hands by Virtue thereof.

7 No Ordinary shall be obliged to approve the same Person as Deputy Church-Warden for the same place, two Years successively.

No

No Person dissenting from the Church of Ire-⁸
land, in Holy Orders or pretended Orders, or
any Preacher, or Teacher of any Congregation
of dissenting Protestants, that shall make and
subscribe the Declaration, and take the Oaths a-
foresaid, at the general Quarter-Sessions for the
County, &c. where he lives, shall be liable to
the penalty of 100 l. or to any the penalties men-
tioned in the Act made 17 & 18 C. 2. c. 6. for
the Uniformity of publick Prayers, and Admini-
stration of Sacraments, &c. for consecrating or
administ'ring the Sacrament of the Lord's Sup-
per, or for preaching or officiating in any Con-
gregation, permitted and allowed by this Act,
for the Exercise of Religion.

The making and subscribing the Declaration,
and taking the Oaths aforesaid, shall be recorded
at such Quarter-Sessions, for which 6 d. shall be
paid and no more.

Every Person pretending to Holy Orders, or¹⁰
Preacher or Teacher, who shall make and sub-
scribe the Declaration, and take the Oaths aforesaid, shall enjoy all the Privileges and Advanta-
ges which any other dissenting Minister might en-
joy, by Vertue of this Act.

Ministers, Preachers or Teachers of Congre-¹¹
gations, that shall take the Oaths, and make
and subscribe the Declaration aforesaid, shall be
exempted from serving upon Juries, or from be-
ing chosen or appointed to any parochial or
Ward-Office, or other Office in any Barony-
county, &c.

Provided all Laws made for frequenting Di-¹²
vine Service on the Lord's Days, shall be still in
Force against all Persons, except they come to
some Assembly of religious Worship, allowed
by this Act.

Provided

- 13 Provided this Act shall not extend to give any Ease to *Papists* or *Popish* Recusants, nor to any that in preaching or writing, shall deny the Doctrine of the Trinity, as declared in the 39 Articles, agreed upon in the Convocation held at London, in the Year 1562. and referred to in the aforesaid Act of 17 & 18 C. 2. c. 6.
- 14 If any Person, after the first Day of *January*, 1719. shall willingly, and of purpose, maliciously or contemptuously come into any Church, Chappel or Congregation permitted by this Act, and disturb the same, or misuse the Teacher, upon Proof thereof by two Witnesses, before a Justice of the Peace, they shall find two Sureties to be bound by Recognizance, in 50 *l.* to appear at the General or Quarter-Sessions, and in Default thereof, be committed to prison till the next Quarter-Sessions, and upon Conviction of such Offence at the Quarter-Sessions, shall forfeit 20 *l.* to the King.
- 15 No Assembly for Religious Worship, shall from and after the Time aforesaid, be allowed by this Act till the place of Meeting be certified to the Bishop of the Diocese, or the Archdeacon, or to the Justices of Peace at the Quarter-Sessions, and registred in the said Bishops, or Archdeacons Court respectively, or recorded at the Quarter-Sessions, the Register or Clerk of the Peace whereof, is to give Certificates thereof to Persons demanding the same for which no greater Fee than 6 *d.* shall be taken.
- 16 All persons that shall take the Oaths, and make and subscribe the Declaration aforesaid, shall be discharged from all penalties hitherto incurred, by Vertue of the said Act of 17 & 18 C. 2.
- 17 Every *Quaker*, who shall make and subscribe *Vid. Quakers.* the Declaration following, if thereunto required,

I A. B. do truly and sincerely acknowledge, profess, testify and declare, that King GEORGE is lawful and rightful King of the Realm of Great-Britain and Ireland, and all other the Dominions and Countries to the Realm of Great-Britain belonging: And I do promise and engage, to be a true and faithful Subject to him and his Successors in the Protestant Line, as now by Law established; and that I will not plot or contrive any Mischief or Hurt to him or them, or be any way concerned therein, but will do my utmost Endeavour, to disclose and make known to the King and his Successors, or those in Authority under him or them, all Treasons and traiterous Conspiracies, which I shall know to be against him or any of them; and I do believe in my Conscience, that the Person pretending to be the Prince of Wales, during the Life of the late King James, and since his Decease, pretending to be, and taking upon him the Stile and Title of King of England, by the Name of James the Third, and of Scotland, by the Name of James the Eighth, hath not any Right or Title whatsoever, to the Crown of the Realms of Great-Britain or Ireland, or any of the Dominions to the Realm of Great-Britain belonging; and I do renounce and refuse any Allegiance and Obedience to him; nor do I believe the Pope or Bishop of Rome, is Christ's Vicar on Earth, or that he hath Power to depose Princes on any Pretence whatsoever, or absolve me or any of the King's Subjects, of their Obedience to him or his Successors, or any Subjects, of their Obedience to their lawful Prince: And I also believe the Popish Doctrine of Purgatory, Praying for the Dead, Indulgences, and Worshipping of Images, of Adoring and Praying to the Virgin Mary, or other Saints deceased, of Transubstantiation, or changing the Elements of Bread and Wine, into the Body and Blood of Christ, at
or

or after the Consecration thereof, by any Person whatsoever, and of killing Hereticks, are false, erroneous and contrary to the Truth declared in the Holy Scriptures, and therefore believe the Communion of the Church of Rome, is Superstitious and Idolatrous: And all this I acknowledge, declare and subscribe, without any Equivocation or Mental Reservation, according to the true Plainness and Simplicity, and usual Signification of the Words.

Shall be exempted from all Penalties in the aforesaid Acts, and shall enjoy all the Privileges and Advantages under the like Proviso and Conditions, which any other *Protestant Dissenters* ought to enjoy, by Vertue of this Act.

18 No *Dissenter* who shall take the Oaths, and subscribe the Declaration aforesaid, shall be prosecuted in any Ecclesiastical Court, by reason of his Non-conformity.

19 If any *Protestant Dissenter* not in Orders, or pretended Orders, or pretending to Orders, nor being a Preacher or Teacher of any Congregation, who would be entitled to the Benefit of this Act, if such Person shall have qualified himself as required by this Act, and is or shall be prosecuted by reason of Non-conformity, or upon any of the penal Statutes, from which *Protestant Dissenters* are exempted by this Act, shall, during such Prosecution, qualify himself according to this Act, or before any two Justices of the Peace, who shall take and return the same to the next Quarter-Sessions to be recorded; such Person shall be intitled to the Benefit of this Act as fully, as if such Person before such Prosecution, had duly qualified himself according to this Act; and such Prosecution shall thenceforth cease, and such Person shall be discharged from all

all Penalties incurred by Force of any the afore-
said penal Statutes.

Religious Houses.

27 H. 8. c. 28. 28 Hen. 8. c. 16. The Monasteries and re-
ligious Houses of *Beckif, St. Peters beside Trim,*
Ex. Hob. 307. and other 10 whose Names see in the Statute at
large, together with all their Estates, &c. are
given to the King, his Heirs and Successors, in
as ample manner, as the Governors thereof at
any time within a Year before the making of
this Act, held the same in Right of their Houses:
And all such religious Houses (not given by
the King, to any by Letters-Patents) which at
any time within 2 Years next before the making
of this Act, have been given to him by any Ab-
bot, Prior, &c. under their Convent Seals, to-
gether with all their Estates (not given or grant-
ed by Letters-Patents as aforesaid) are given to
the King, his Heirs and Successors for ever, uni-
ted to the imperial Crown of *England*; and all
Patentees to have and enjoy all such Lands and
Premises, given or granted to them by the
King, according to the Tenors of their Letters-
Patents; and to have like Remedies for any
thing contained therein, as the Governors of
such Houses might have had, if they had not
been dissolved.

Here the Right of all others (except such Go-
vernors and their Successors, and the pretended
Founders, Patrons or Donors to the same) is
Dyer, 341. b. saved. — All Feoffments, Grants, Leases and
Recoveries, made or suffered by the Governors
of the said Houses, of the Lands of their Houses
within 2 Years next before the making of this
Act, declared to be void. — All their Ornaments,
Jewels, Goods, Chattels, &c. given to the
King.

5 King.---The King allows a yearly Pension to
the Chief Governors of those Houses during
6 their Lives, &c.---All their just Debts to be paid
7 by the King.---Such of the said Religious Houses
(not before this time given by the King by his
Letters-Patents, to any Person as aforesaid) as
the King, his Heirs and Successors, at any time
after the making of this Act should declare, should
not be suppressed by Authority of this Act, were
8 still to continue.---The Right of Founders, Pa-
trons or Donors of such Monasteries, &c. as shall
be suppressed by this Act or otherwise, which
they might have without Fraud, by any manner
of means (otherwise than by reason or occasion
of the Dissolution of the same) is saved in like
9 manner as the Right of others is saved.---The
King's Lessees of the Sites, &c. of such sup-
pressed religious Houses, to keep an honest Far-
mer's House or Household in the same Site (ac-
cording to the Quantity of the Demains) in pain
of forfeiting to the King an 100 Shillings every
Quarter of the Year during the contrary, to be
recovered to his Use in every of his Courts of
10 Record.---Justices of the Peace in every Shire,
where any such Offence is committed, in every
Quarter or General Sessions within their Limits,
to inquire of, hear and determine such Offences,
and set Fines (no less than afore limited) and
certifie the Estreats thereof into the *Exchequer*,
11 as Estreats for other Fines use to be.---Several
Rectories, Parsonages, Vicarages, &c. confirm-
12 ed to the Persons thereof for their Lives.---This
Act not to be prejudicial to *George* Archbishop
of *Dublin*, nor his Successors, for any Right to
any Advowson, Parsonage, Vicarage, Patronage,
Presentation or Collation, for any Promotion
spiritual whatsoever, in any wise appertaining to
the said House or Monastery of *Taghmolybegge*.
13 ---Nor to be prejudicial to the Vicars Choralis
of

of *St. Patrick's Church of Dublin*, nor their Successors, for their Right, Title and Rent, for the Benefice, Pension and Tythes of *Kennegb* within the County of *Catherlough*.

32 Hen. 8. c. 24. En. By this Act the Corporation of *St. John of Jerusalem* in *England* and *Ireland* was dissolved, and the Priors and Cofferers thereof prohibited to wear the Marks, &c. 14
The King was to have all their Estates, and diverse Pensions were appointed severally to the Priors, Chaplains and Cofferers of that Order, to continue during their Lives.---And all of 15
that Order are discharged from Obedience for their Religion, and also enabled to inherit, purchase, sue and to be sued, &c. 16

33 Hen. 8. Sess. 2. c. 5. All Monasteries, &c. 17
and other religious and Ecclesiastical Houses and Places of what Order soever, together with their Estates, which since the 4th of *February*, in 27th Year of his Reign, were dissolved, &c. 18
are given to the King, his Heirs and Successors for ever, to hold the same in as ample Manner as the Governors thereof held them in right of the said Houses.--And all other religious Houses, 18
dissolved and to be dissolved, together with the Revenues to them belonging, are declared to be in the actual possession of the King, his Heirs and Successors for ever.---Here the Right of o- 19
thers [except the Abbots, Priors, &c. and the Founders, or Donors of the same] is saved, Rents Services and Rents Secks and all other Services and Suits due, to be paid, or done out of the Premises, are excepted and foreprised out of this Clause of Saving.

The King not to re-enter upon the Possession 20
of any Lessees or Grantees, their Executors or Assigns, of any Lands, &c. demised or granted, by any late Prior, Abbot, &c. so that the said Lessees their Executors or Assigns, did tender

der or pay their Rents reserved upon such Leases at the Receipt of the King's *Exchequer* of this Realm, at the Days of Payment in their Indenture, &c.

- 21 The yearly Value of the Rents Services and Rents Seck, which any before the 4th of *February*, in the 27th Year of the King's Reign, might have lawfully claimed out of any the said religious Houses [as long as they are in the King's Possession] to be paid to them by way of Reward, out of the *Exchequer* of this Realm, by the Hands of the Vice-Treasurer of the said Realm, and his Acquittance taken for the Payment thereof, to be allowed in the *Exchequer*, without any further Warrant in that Behalf. And when the King shall give or lease to any Person or Persons, any Estate of Years, Freehold or Inheritance of the said Lands, to their use (chargeable with the said Rents Services, and Rents Seck) then the King's Donees, Lessees and Grantees, their Heirs and Assigns, shall yearly pay the same at such time as they have been used to be paid: And in Default the Parties that ought to have the same, to enter and distrain and keep the Distress, till the Arrears (if any be) be paid.
- 22 If any of the late Priors, Abbots, &c. of the *Dyer*, 77. b. said religious Houses, within 2 Years next before the Dissolution, &c. of the same, had made any Lease or Grant for Term of Life or Years of the Site thereof, or other Hereditaments lying in the same Towns, and which before that time was not usually lett, but kept for the Maintenance of Hospitality; Or if at any time within 2 Years as aforesaid, they had let for Life or Years any of the Lands belonging to their said Houses, to any religious Persons to their use, &c. such Leases to be void.

Religious houses.

This Act not to extend to avoid Leases for ²³ Life or Years of the Mills, Site, &c. of such Houses lying within the Precincts thereof, or in the Town where they are, where Hospitality is not kept, or shall not be kept. But this Proviso is not to extend to any Lease or Leases made of any Parcel of the Site, &c. of any of the said Houses of Fryers.

This Act is not to hurt any of the Grantees for ²⁴ Life or Years, of any Abbot, Prior, &c. for Sites, Lands, &c. which before the making of this Act, hath been given by the King, to any Persons or Bodies politick or corporate in Fee-simple or Fee-tail, and which be out of his Highness possession, by reason of such Gifts or Grants thereof made.

Leases let by the Governors or Governesses of ²⁵ the late religious Houses [named in this Clause] or any of them for Life or Years, of any Parsonages appropriate, or Tythes, which belonged to the said Houses within two Years before their Dissolution, &c. which were not at any time within 4 Years before the said two Years let to Farm, but kept in their own Manurance, declared to be void.

And where any late Prior, Abbot, &c. with- ²⁶ in two Years next before the Dissolution, &c. had made any Lease for Life or Years, of any of the Lands, &c. belonging to their Houses, yielding any yearly Rent in Money, which were not at any time within four Years before the said two Years so let; but only for Port of Corn or Marts, or for Port of Corn and Money, or Marts and Money, or Corn, Marts and Money, to be paid and rendered for the same: Then in such Case, if the Inheritance of the Reversion, Rents and Farms, reserved in Money upon any such Lease, were in the King's Possession, or any of his Lessees or Grantees for Life

Life or Years; such Persons their Executors and Assigns, to surrender their Leases, or else to pay yearly to the King, during the Interest of their Leases, in the place of their Rents reserved in money, such Port of Corn and Marts, or Port of Corn and Money, or Marts and Money, or Corn, Marts and Money, and all other Profits as was used to be paid before, for such Premises as aforesaid, the Lessees performing the same to be discharged, as well against the King as against his Lessees, of and for the Rents reserved in Money upon their said Leases.

27 The King's Grantees having in Farm for Life or Years, any of the said Houses, and the Reversion Rents and Farms reserved in Money, upon Leases made as aforesaid, shall receive yearly the said Port of Corn and Marts, in recompence of the Money reserved in Rents, for the better Maintenance of Hospitality and good

28 House-keeping in and upon the said Houses.--- If any of the King's Grantees or Lessees or able Assigns, which had or should have in Farm for Life or Years any of the above-named Houses, did not continually dwell and keep Hospitality in the said Houses during their Interest therein, then their Leases and Grants thereof to be void: And that the then Abbots, Priors, &c. Lessees of any such Houses, Lands, &c. to have and enjoy their Leases again therein, so as they paid so much yearly Rent to the King as they should be valued at by the King's Commissioners (named in the Act) assigned by him for that purpose.

29 Leases made by any late Prior, Abbot, Abbess, &c. within two Years next before the Dissolution, &c. for Term of Life or Years, of any Manors, Lands, &c. belonging to their Houses, upon which the usual and old Rents and Services that had been accustomed to be reserved by the space of ten Years (next before the

1st Day of this present Parliament) is not thereupon reserved, the Lessees and Grantees to enjoy the same, so that they were made without Fraud: And that the Lessees, their Executors and Assigns [during their Interest] paid to the King, his Heirs and Successors, so much yearly Rent, as had been at any Time within the said space of ten Years, paid for the same.

*Plow. 102.
a. b. &c.*

And Leases made by them within two Years³⁰ as aforesaid, before the Dissolution, &c. for above the Term of 21 Years, of any Manors, Lands, &c. belonging to their Houses, whereof any Interest for Life or Years (at the Time of the making of such Grant or Lease) was then in being and not extinct or expired, and which Lease was not taken away by this Act, then every such Lessee, &c. was to enjoy the same but only for 24 Years next after the Commencement thereof, provided the same were made without Fraud as aforesaid; and that the Lessees, their Executors and Assigns, paid the old usual Rent yearly during their Interest therein as aforesaid; And if the Years mentioned in the said Lease were under 24 Years, then to have their Leases according to the Years comprised therein and not above, paying therefore as aforesaid.

Leases made by the King for Term of Years,³¹ of the Reversion of any Lands, Tythes, &c. which by Authority of this Act should fortune to be Evicted from the King's Lessees, and come to His Gift or Grant, in such Case they and their Assigns, should have Abatement of their Rents in the *Exchequer*, for so much of their Rent, as they paid for so much Lands so evicted, if such Rent might be certainly known by their Leases.

All Feoffments, Fines and Recoveries made,³² acknowledged or suffered to any Persons, by any late Prior, Abbot, &c. without the King's Licence,

cence, under His Great Seal of this Realm (made by his Warrant and bearing Teste in His Name) within two Years next before the Dissolution, &c. of any Manors, Lands, &c. which they had in Right of their Houses by the King's Grant (or whereof He or His Progenitors were Founders) declared to be void.

33 This Act not to extend to avoid any Lease or Grant, Feoffment or Recovery, made by such religious Persons, of any of their Lands, for payment of any Debt for the Use of any such late House, proved by Writing, Witness or otherwise, before the two Chief Justices, Chief Baron and the Vice-Treasurer, or any three of them (the Vice-Treasurer being one) and allowed by them, till such Time as such Lessees, &c. should receive such Debts [so proved and allowed] out of the Rents of the said Lands, accounting them to be of the yearly Value as they had been usually Lett for, at any Time during the Space of ten Years next before the making of this Act.

34 Leases Lett by them within two Years next before the first Day of this present Parliament, for Term of Life or Years of the Site of the said Houses, or any Manors, Lands, &c. belonging to them, which before that Time were not usually Lett to Farm, or any Lease, &c. as aforesaid, whereof any former Estate or Interest for Life or Years was then in Being, and was not determined or expired, or upon which Leases (so made as aforesaid) the old Rent accustomed, to be paid by the Space of twenty Years next before the first Day of this present Parliament, was not reserved, or of any Sale of their Woods made by them within two Years as aforesaid, which Woods were then growing and standing, that then every such Lease, &c. Sale of Woods as aforesaid, to be utterly void.

Religious houses.

And all Feoffments, &c. made, &c. within ³⁵ two Years as aforesaid, by any Governor or Governels of any religious House, which afterwards should happen to be dissolved, &c. without the King's Licence, under His Great Seal, of any Manors, Lands, &c. which they had in Right of their Houses, or held of the King's Gift or Grant, or of which the King was Founder or Patron, or which Manors, Lands, &c. were of the ancient Foundation of such Houses, declared to be void.

A Proviso, that if any Abbot, &c. within ³⁶ two Years as aforesaid, had leased or granted to any for Life or Years, any Manors, Lands, &c. which Lessees, at the Time of such Lease made, held the same for Life or Years not expired, that then such Lessees should hold the same for Life or Years, so that the old Rent used to be paid at any Time within ten Years before, were thereupon reserved, notwithstanding this Act.

Grants also for Life or Years, by Copy of ³⁷ Court roll, according to the Custom [the old Rent being reserved] to be good.

Grants to other Persons by such religious Per- ³⁸ sons, after the said 4th Day of *February*, with the King's Consent and Licence (under the Great Seal aforesaid) to remain good, saving to all others (other than such late religious Persons and their Successors, and the Founders, Patrons or Donors) all their Right, Title, &c.

The King's Purchasers and Exchangers of any ³⁹ Honours, Castles, Manors, Lands, &c. after the 4th Day of *February*, in the 27 H. 8. (notwithstanding Misrecital, Misnaming or Non-recital) are confirmed. Howbeit the Right of all Persons but the Exchangers and Bargainers is saved.

The

- 40 The King's Letters-patents, Indentures and other Writings made under the Great Seal of *Ireland* (by Warrant as aforesaid, or under His Great Seal of *England*, after the said 4th Day of *February*, and within three Weeks next after the making of this Act, of any Honours, Castles, Manors, Monasteries, Abbies, &c. of what kind soever they be, or by whatsoever Names, they or any of them be named, to stand good in the Law, to all Intents against the King, His Heirs and Successors. And here the Right of all others (save the King, His Heirs and Successors, and the Governors and Governesses, and their Successors, Donors, Founders, Patrons and their Heirs and Assigns) is saved.
- 41 Such Abbies, Monasteries, &c. belonging to *W. Jones*. the said religious Houses, as before their Dissolu- 182. &c. 368, tion, and coming into the King's Hands, or &c. other Persons as were discharged of the Tythes, shall continue to be discharged and acquitted of Tythes, in as ample Manner as the Governors and Governesses thereof, at the Time of their Dissolution or Suppression, &c. held and enjoyed the same.
- 42 All Manors, Rent-services and other Duties, are saved to the King, His Heirs and Successors, notwithstanding this Act.
- 43 Such late Monasteries, Abbies, &c. which before the Dissolution or Suppression, &c. were exempted from the Visitation of the Ordinary, shall from henceforth, be within the Jurisdiction, on and Visitation of the Ordinary, within whose Diocess they or any of them be situated, or within the Jurisdiction and Visitation of such Persons as shall be limited and appointed by the King.

Stat. 2 El. c. 7. The Letters Patents made⁴⁴ by King *Philip* and Queen *Mary* to Sir *Oswald Messingberde* of the late Hospital of St. *John's Jerusalem* in *Ireland*, with the Manors, Lordships, Commandries, &c. belonging to the same; and all Authorities, Bulls, Breves or other Writings whatsoever, made from any foreign Power, to the said Sir *Oswald*, concerning the said late Priory or Hospital, are by this Statute enacted to cease and to be utterly void.

The said late Hospital or Priory of St. *John's Jerusalem* in *Ireland*, together with the Site of the same, and all the Manors, Lordships, &c. are declared to be in the Queen's Person, Her Heirs and Successors, and united to the Imperial Crown of this Realm, in as ample manner as the same were in the Person and Possession of the said late Queen *Mary* at the Time before the said Letters Patents made to the said Sir *Oswald*.

The Right of others (other than the said *Oswald Messingberde*, late Prior, and his Successors, &c.) is saved in and by this Act; Rent-services, Rents-seck, and all other Services and Suits which were due, to be paid or done to any Persons out of the Premises or any part thereof, only excepted and foreprized out of this Clause of Saving.

Saving also to others (other than such Persons⁴⁷ as be before excepted) all Benefits, which they may or ought to claim and take in and by the said Act 33 H. 8.

All Leases, Demises, Gifts and Grants of any⁴⁸ Lordships, Manors, Lands, &c. and all Acts and Things made, suffered or done by the said Sir *Oswald Messingberde*, as Prior of the said late Hospital solely, by Matter in Deed or of Record, or by him, with the Assent of his said Com-brethren or Chapter, under their Convent

or

or Common-Seal, since the Day of the Date of the said Letters Patents, granted by the late King and Queen to the said Sir *Oswald*, declared to be void.

- 79 A Proviso, that this Act shall not be prejudicial to any Tenants, Lessees or Occupiers of the Premises, their Heirs or Executors, for any Rents paid to the said Sir *Oswald Messingberde*, before the said 24th Day of *August*, but that they shall be acquitted for the said Payments against the Queen, her Heirs and Successors.

Residence.

1 *Artic. Cler. 8. 9. Ed. 2. En.* Such Clerks as attend in the King's Service, if any offend, shall be corrected by the Ordinaries, as others be; howbeit, so long as they be employed about the *Exchequer*, they shall not be found to keep the Residence in their Churches. [*To this was added by the King's Council.*] The King and his Ancestors time out of Mind have used, that Clerks who are employed in his Service, during the Time they are so in his Service, shall not be compelled to keep Residence in their Benefices; and such Things as be thought necessary for the King and Commonwealth, ought not to be prejudicial to the Church.

2 36 *Hen. 6. c. 1.* All Beneficers within this Land, shall keep personal Residence continually in the said Land, otherwise the Profits of their said Benefices [Divine Service and ordinary Charges deducted] shall be divided, one half to the Profit of their Benefices and Churches, and the other to be expended in the King's Wars, in Defence of this poor Land of *Ireland*.

Residence.

All Grants made or to be made by the King³ to the contrary [unless by Authority of Parliament] to be void.

Excepted Students, Pilgrims and such as of⁴ Necessity must sue by way of Appeal, or any other lawful way for the Reformation of their Benefices.

Rome.

24 H. 8. 12. 28 Hen. 8. c. 6. No Subjects or Resiants¹ of this Realm shall appeal to *Rome* for any Cause of what Nature soever it be, or obey such Appeals, on pain that the Offenders, their Aiders, Counsellors and Abettors, shall incur a *Premunire*.

25 H. 8. 19. 28 Hen. 8. c. 13. If any Resiant within² this Land, (after the first Day of *November*, 1537.) shall by Writing, Cyphering, Printing, Preaching or Teaching, or by any Deed or Act, obstinately or maliciously, extol or defend the Authority of the Bishop of *Rome* (heretofore usurped within this Land) or shall invent any thing for the extolling of the same, or attribute any Authority to the said See, or to any Bishop of the same, such Offenders, their Aiders, &c. and every of them (being thereof lawfully convicted according to the Laws of this Land) shall incur the Penalties of a *Premunire*, provided by the Statute of the 16 R. 2.

Justices of Assizes in their Circuits, and Justices³ of Peace, within the Limits of their Commission, or two of them at the least (*Quorum un.*) shall enquire of Offences against this Act, as they may of other Offences against the King's Peace, and shall certify every Presentment made before them concerning this Act, before the King in his *Bench* in this Land, within 40 Days

Days next after such Presentment made, if in Term-time; if not, then at the first Day of the next Term following the said 40 Days, upon pain to forfeit 40 Pounds to the King.

4 And the Justices of the *King's-Bench*, as well upon every such Certificate as by Inquiry before themselves, within the Limits of their Authorities, may hear and determine every Offence against this Act, according to the Laws of the Realm of *England* and of this Land, in such Manner as if the Persons against whom any Presentment shall be had against this Statute, had been presented for any Offence against the said Statute of the 16 R. 2.

5 All Archbishops, Bishops and Archdeacons within this Land, their Commissaries, Vicars-general, and other Ministers in their Visitations and Seames, shall make Inquiry and Examination of all Ecclesiastical and Religious Persons within their Jurisdiction, that shall be suspected or accused to be Offenders against this Act: And if any be found culpable by Witness or Confession, and be present at the same time, then every the Archbishops, Bishops, &c. before whom any such Person shall be presented and found culpable as aforesaid, shall commit him (if he be presented as aforesaid) to the next common Goal of the Shire, where such Inquiry, &c. shall be had or made, or else shall let them to Bail at their Discretion, upon entring into Recognizance with good Sureties to appear before the King and his Council or his Deputy of this Land, at the Castle of *Dublin*, within 15 Days next after such Presentment, if in Term-time, or else the first Day of the next Term after such Presentment: And at the said Day of Appearance, they shall certify into the said Castle of *Dublin*, in Writing under their Seals, the Recognizance for Appearance, and the Presentment

ment or Conviction of the Person, and all the Depositions and Name of the Goal to which they have committed the Offender. And if the Person presented or accused in any Visitation be not then present, yet nevertheless Certificate thereof shall be made of such Presentment or Accusation and all Circumstances, unto the Castle of *Dublin* as aforesaid: And if any person presented or accused, be convicted by Confession or Witness, before any Archbishop, Bishop, &c. or before the King's Council in the Castle of *Dublin*, then the Party convicted, shall suffer such Pains, &c. as be expressed in the said Statute, made 16 R. 2.

If any Ecclesiastical Judge or Visitor, do voluntarily conceal or colour any Presentment, Accusation or Confession made concerning this Statute, and do not certify the same in manner aforesaid, he shall forfeit for every such Default 40 l. one Moiety to the King, and the other to such Persons as will sue for the same, by original Writ, Bill, &c. in which no Essoign, &c. shall be allowed.

This Act not to be prejudicial to the Ceremonies and decent Order heretofore used in the Church of *Ireland*, nor to any Person using the same.

And notwithstanding the taking away the Power of the Bishop of *Rome*, by this or any other Act, every Archbishop, Bishop, Archdeacon, Commissary and Official, may use and exercise in the King's Name only, all such Canons, Constitutions, Ordinances and Synodals Provincial then made, not contrariant to the Laws and Customs of this Land, nor to the Prejudice of the King's Royal Prerogative, in such manner as they were used before the making of this Act, till such time as the King certify

the

the contrary under his Great Seal, or shall otherwise be ordered by Parliament.

- 9 Dispensations, Licences or Confirmation, for Marriage or otherwise, granted to any of the King's Subjects of this Land, at any time before the making of this Act, not repugnant to the Laws of God, the King's Laws or Prerogative Royal, to be of the same Force as they were before the making of this Act.

- 10 28 *Hen. 8. c. 19.* None shall pay any Pensions, Censes, Portions, *Peter-pence*, or any other Impositions to the Bishop or See of *Rome*. *25 H. 8. c. 21. En. Hob. 146. Moor. 434. Hob. 146.*

- 11 Neither the King nor any of his Subjects of this Realm, nor of any other his Dominions, shall sue for any Licence, Dispensations, Faculties, or any other Instruments of what Nature soever, to the Bishop or See of *Rome*, or any having Authority by the same : But the Archbishop of *Canterbury* and his Successors, shall have power (at their Discretions) to grant by any Instrument under his Seal to the King, as well all manner of Faculties, &c. not being repugnant to the Holy Scripture and the Law of God, as heretofore hath been used to be obtained by the King or any of his Subjects at the See of *Rome* : And all other Faculties, &c. as shall be necessary for the King's Honour and the Good of this Realm, so as the same be not repugnant to the Laws of God. *Co. pl. 204. 472. Vaugh. 23.*

- 12 And the said Archbishop, &c. by himself, Commissary or Deputy (by their Discretions) may by an Instrument as aforesaid, grant to any of the King's Subjects, such Faculties, &c. as heretofore were had at the See of *Rome* ; but shall not grant any Faculties, &c. in unusual Causes, till the King or his Council shall first be made acquainted, and determine whether the same shall pass or no, upon pain that the Grantors

tors thereof shall make Fine at the King's pleasure: And if the King and his Council think fit they shall pass, then the said Archbishop or his Deputy, having the King's Licence, by his Bill assigned, shall dispense with them accordingly.

But no manner of Dispensations, Faculties, &c. that the Tax thereof at *Rome* extended to four Pounds or above, shall be put in Execution till the same be first confirmed by the King under the Great Seal, and inrolled in *Chancery*, in a Roll by a Clerk appointed for that purpose; and then the Lord Chancellor or Lord Keeper of the Great Seal in the King's Name, by Letters Patents under the Great Seal, to confirm the same. And such Dispensations, Faculties, &c. where the Tax is under four Pounds, need no Confirmation unless the Procurers desire it; and then they shall pay five Shillings Fee for the Great Seal, to the Use of the King, and not above: And all such Dispensations, Faculties, &c. thus granted, shall be as effectual in the Law in all Courts, as if they had been obtained of the See of *Rome*, or of any other Persons, by Authority thereof.

Hob. 148.

And the Children procreated after the Solemnization of any Marriages, had by Vertue of such Licences or Dispensations, shall be reputed legitimate in all Cases, and inherit the Inheritance of their Parents within this Realm, and all other the King's Dominions, according to the Laws and Customs of the same.

The Archbishop, &c. shall appoint a Clerk to write and register all Dispensations, Faculties, &c. (to be granted by him) who shall find Wax, Parchment and Silken Strings for the same. And the King by his Letters Patents under his Great Seal, shall appoint a Clerk learned in the Course of *Chancery*, who shall be always attendant on the Lord Chancellor or Lord Keeper of the Great

Great Seal, who shall make, write and inrol the Confirmation of all such Licences and Dispensations, &c. as shall be brought under the Archbishop's Seal for that purpose, and shall entitle in his Books, and inrol other Writings brought to him under the Archbishop's Seal, not to be confirmed, which Clerks shall subscribe their Names to every such Licence, Dispensation, Faculty, &c.

16 Two Books to be made, in which the Taxes of all accustomed Dispensations, Faculties, &c. wont to be sped at *Rome*, shall be contained; which Books and every Leaf thereof, and both the Sides of every Leaf, shall be subscribed by the Archbishop of *Canterbury*, the Lord Chancellor of *England*, the Lord Treasurer of *England*, and the two Chief Justices of both the *Benches*; one of which Books to remain with the Archbishop's Clerk of the Dispensations, Faculties, &c. and the other with the Clerk in the *Chancery*; to which Books all Suiters for Dispensations, &c. shall have Recourse, if they require it: And the Clerk in *Chancery* shall daily note in his Book for that purpose, the Number and Quality of the Dispensations, Faculties, &c. that all Fraud may be avoided.

17 And none to pay more for Dispensations, Faculties, &c. than is set down in the said duplicate Book of Taxes (only Compositions excepted) which being arbitrary, no Tax can be made, which shall be set and limited by the Discretion of the said Archbishop of *Canterbury* and the Lord Chancellor of *England*, or the Lord Keeper of the Great Seal. And such as exact or receive more than is contained in the said Book of Taxes, shall forfeit ten times as much as he so extortiously receives, one Moiety to the King, and the other to him that will sue for the same by Action, Bill, &c. in any of the King's Courts, wherein no Essoign, &c. shall be allowed.

Where

Where the Tax extends to four Pounds or ¹⁸ above, so that the Dispensation, Faculty, &c. must be confirmed under the Great Seal, then the said Tax shall be divided into three Parts, two whereof shall be received by the said Clerk of the *Chancery* to the Use of the King, and Lord Chancellor or Lord Keeper of the Great Seal, and to the Use of the said Clerk; and the third part to be taken by the Archbishop's Clerk, for the Use of the same Archbishop and his Commissary and the said Clerk; and two parts aforesaid, to be divided into four, in which three parts shall be to the King's Use, and the fourth part shall be divided into three, whereof the Lord Chancellor or Lord Keeper shall have two parts, and the said Clerk in *Chancery* the third for his said Labour, and for receiving and repaying of the Sums of Money that shall come to his Hands for Dispensations, Faculties, &c. And the Archbishop's third part of the whole Tax, shall be divided into three parts, of which the Archbishop shall have two; and the other third part shall be divided into two, of which the Clerk of the Faculties shall have one Moiety, and the Archbishop's Commissary that seals the same Faculties, &c. the other Moiety. And if the Tax be under four Pounds, and not under forty Shillings, then the same shall be divided into three parts as aforesaid, the King to have two, abating three Shillings and four Pence; which the said Clerk in *Chancery* shall have for his pains; and the said Archbishop and his Officers shall have the third part, which shall be divided into two parts, one to the Archbishop and his Scribe and Commissary, the other equally to be divided. And if the Tax be under forty Shillings, but not under twenty six Shillings and eight Pence, then to be divided

divided into two parts, one part whereof (deducting three Shillings and four Pence out of it for the Clerk in *Chancery*) shall be to the King, and the other part shall be to the Archbishop and his Officers, which part being divided into two parts, he shall have one, and his Commissary and Scribe the other part equally between them. If the Tax be under twenty six Shillings and eight Pence, and not under twenty Shillings, it shall be divided into two parts, the King to have one, abating two Shillings to the Clerk in *Chancery*, and the other part being divided into three, the Archbishop to have one part, and his Commissary and Clerk, each of them one other part. And if the Tax be under 20 Shillings, then to go to the Commissary and two Clerks aforesaid, to be equally divided amongst them.

19 This Act shall not inhibit the Archbishop of *York*, nor any other Bishop, to dispense as they were wont by the common Law and Custom of this Realm, before the making of this Act.

20 During the Vacancy of the See of *Canterbury*, the Guardian of the Spiritualities there, shall grant such Licences, &c. and if the Archbishop, or Guardian refuse to grant them, then the Chancellor of *England* or Lord Keeper of the Great Seal, shall enjoin them, under a certain pain by the King's Writ, out of the *Chancery* directed to them, to grant such Licence, &c. or otherwise to signify the Cause to the said Court at a certain Day; and if it appear to them upon such Certificate to be just and reasonable, then being so proved, by due Search and Examination, to be allowed, if not, then the King upon Information thereof, by his Injunction under Seal out of the said Court of *Chancery*, under a certain pain may command them; and if they refuse and shew no just Cause to the King, then to forfeit to the King such Penalty

as shall be limited in the said Injunction; and the King, by Commission under the Great Seal may impower two such Spiritual Prelates or Persons to grant the same, as aforesaid taking such Fees as aforesaid and not above under the pain before mentioned.

All Religious Houses exempted (before the²¹ making of this Act) from the Visitation of the Archbishop of *Canterbury*, shall still remain so, and shall be under the Visitation of such Commissioners as the King shall appoint by Commission under the Great Seal, so as the Pope's Power shall be quite excluded from any such Visitations, neither shall any Religious Persons or other Resident in any the King's Dominions, depart out of the same for any Visitation, Congregation or Assembly whatsoever, but that all such Meetings shall be within the King's Dominions.

But this Act, nor any Licence or Dispensation²² to be granted by vertue thereof, shall not extend to the Repeal or Derogation of the Statute of 21 *H. 8. cap. 13.* touching Pluralities of Benefices, or Non-Residence of Spiritual Persons, nor give Licence to any of them to have any more Benefices than is limited by the Act.

Whosoever, within the King's Dominions,²³ shall at any time hereafter sue to the Court or See of *Rome*, or to any claiming an Authority from the said See for any Licence, Faculties, &c. or shall obey any manner of Process from *Rome*, of what Name or Nature soever, or attempt to do any thing in Derogation of this Act; all such Offenders, being convict thereof, their Aiders, &c. shall incur the Penalties mentioned in the Statute of Provision and *Pramunire*, made in the 16 *R. 2.*

Grants and Confirmations of Liberties obtained from the See of *Rome* (before the making

king of this Act) by any Abbies or other Religious Houses, shall be of the same Effect as they were before this Act: And the Abbots, and Priors, &c. of exempted Religious Houses, shall pay no Pensions to the See of *Rome*, nor admit of any Visitation or Confirmation from thence, of any Person to be elect, named or presented to be their Heads, nor shall make any Oath to the *Pope*: And in such case where they were bound to obtain any Confirmation of their Election, it shall from thenceforth be had from such Commissioners as the King appoints, and not by the See of *Rome*; and where no such Confirmation was requisite, they shall still remain as before.

25 Dispensations, Licences, Confirmations, &c. obtained at the See of *Rome* before the 12th Day of *March*, 1533. to any Subject, born within the King's Dominions, or to the Hospital of the Prior of *St. John's Jerusalem* in *England*, or to any Cathedral Churches, Hospital, Monasteries, Abbies, Priors, Colleges, Conventual Churches, Parochial Churches, Chappels, Fraternities, Brotherhoods or Bodies politick within this Realm, shall remain and be of the same Force they had before the making of this Act, but such of them as are contrary to the express Provisions of the Laws and Statutes of this Realm, shall not be used or put in Execution.

26 The King, with the Advice of his Council, may reform all manner of Indulgences heretofore obtained at the See of *Rome*, the Offenders against such Reformation, to suffer the Penalties limited in this Act.

27 This Act extending not only to *England*, but also to all the King's Dominions, and this Land of *Ireland* being his proper Dominion, and a Member appending and rightfully belonging to the Imperial Crown of the Realm of *England*;

It is therefore enacted, that this Act shall be of the same Force within this Land of *Ireland*, as it is in *England*.

But this Act shall not be prejudicial to any²⁸ Archbishop, Bishop or Prelate of this Land, but that they may lawfully, notwithstanding this Act, dispense in all Cases in which they were wont to dispense, by reason only of their own proper Offices and Dignities, by the common Law or Custom of this Land, before the making of this Act.

Commissioners appointed by the King, for²⁹ using Ecclesiastical Jurisdiction or granting of any Faculties, Licences, &c. or other things mentioned in the Act, shall have the same Authority as the Archbishop of *Canterbury* hath within the said Realm of *England* or this Land of *Ireland*.

The Chancellor of this Land, and all other³⁰ Persons appointed by the said Act, to execute any thing for the perfection of the same, to have like Authority as the Chancellor of *England* and all other Persons there.

¹ *El. Cap. 1.*
Engl.

² *El. Cap. 1.* The Statute of the 28 *H. 8.*³¹
Cap. 19. last before mentioned, and also the Statute of the 28 *H. 8. Cap. 6.* first mentioned in this Title, being repealed by the Statute 3 & 4 *P. & M.* they are both revived by this Statute of the 2 of *El.* and the Statute of the 3 & 4 *P. & M.* repealed. And it is further enacted, that no foreign Prince, Person, Prelate, &c. shall use or exercise any manner of Power, Jurisdiction, &c. Spiritual or Ecclesiastical within this Realm, but the same is annexed to the Crown, so that the Queen and her Successors, by Letters Patents under the Great Seal of *England* or of this Realm, or the Governors of this Realm, by Letters Patents to be made by their Warrants under the Great Seal of this Realm, may

may authorize such natural born Subjects as they think fit, to exercise the same within this Realm of Ireland.

- 32 No Person whatsoever within this Realm, shall, by writing, printing, teaching, preaching, express Words, Deed or Act, advisedly affirm, maintain and defend the Power or Jurisdiction Spiritual or Ecclesiastical, of any foreign Prince, Prelate, &c. within this Realm, and put in Execution any thing for the extolling thereof, in pain that they, their Abettors, &c. (being thereof lawfully convicted or attainted) shall for the first Offence, forfeit all their Goods and Chattles, real and personal, and if the same be not worth 20 l. then besides the said Forfeiture, to suffer one Year's Imprisonment without Bail, and all their ecclesiastical Benefices to be void; and the Patron or Donor may present or give the same as if the Incumbent were dead; and for the second Offence, they shall incur a *Præmunire*; and for the third, shall be adjudged guilty of High Treason.
- 33 This Offence must be prosecuted within one Half Year after the Offence committed, if it be done by Preaching, Teaching, or Words: And if the Offender be then in Prison for so preaching, &c. and is not indicted for the same within half a Year after the Offence committed, then to be set at Liberty, and to be no longer kept in Prison for such Offence.
- 34 This Act shall not extend to repeal any Clause in the Statute of Repeal, made the 3 and 4 P. & Mar. touching any Matters in Cases of *Præmunire*, nor to be prejudicial to any Persons for any Offence committed contrary to the Effect of any Act revived by this Statute, before the End of 30 Days next after the End of this present Session of Parliament.

A Peer of this Realm, indicted for any³⁵ Offence that is revived or made *Premunire* or Treason by this Act, to be tried by such Peers of this Realm of the *English* Blood, as the Governors of this Realm shall, by Commission under the Broad Seal appoint, and to have like Judgment, as in other Cases of Treason and *Premunire* hath been used.

No manner of Act, Order or Determination³⁶ for any matter of Religion or Cause Ecclesiastical, made by this Parliament, shall be adjudged any Error, Heresy, or Schism, neither shall any to whom the Queen, her Heirs or Successors, or the Lord Deputy, &c. shall give Authority, by Letter Patents as aforesaid, to execute spiritual Jurisdiction, have power to adjudge any Matter or Cause to be Heresy, but only such as have been so adjudged by canonical Scriptures, or by the first four general Councils or any of them, or by any other general Councils wherein the same was declared Heresy by the express Words of canonical Scriptures, or such as shall be so adjudged hereafter by the Parliament of this Realm.

No Person shall hereafter be indicted or arraigned³⁷ for any the Offences made, ordained, revived and adjudged by this Act, but by two or more sufficient Witnesses to be produced *Viva voce* (if living within this Realm) Face to Face before the Party so arraigned, to testify their Knowledge, if he require the same.

No Person shall be questioned for relieving,³⁸ aiding or comforting any such Offender as aforesaid, unless it be testified by two sufficient Witnesses at least, that at the time of such Relief, Aid, &c. the Party had Notice of such Offence committed.

Schism.

- 1 12 Ann. Sess. 2. c. 7. En. Enacted, That every Person who shall, after the first of *August*, 1714. keep any publick or private School or Seminary, or teach any Youth as Tutor or School-master, in *England*, &c. and before he shall have subscribed so much of the Declaration 13 & 14 Car. 2. viz. *I A. B. do declare, That I will conform to the Liturgy of the Church of England, as it is now by Law established*, and before he shall have got a Licence from the Bishop, &c. of the Place, under the Seal of Office (for which he shall pay 1 s. and no more, above the Queen's Duties) and shall be thereof convicted in any Court at *Westminster*, or at the Assizes, or before Justices of Oyer and Terminer, shall be committed to the common Goal for three Months, without Bail, to commence from the Time that they be received into the Goal.
- 2 The Bishops, &c. shall grant no Licence, unless the Person, who sues for the same, produce a Certificate of his having received the Sacrament, according to the Usage of the Church of *England*, within one Year next before the granting such Licence, under the Hand of the Minister, and one of the Church-Wardens, and shall have taken and subscribed the Oaths of Allegiance and Supremacy, and Abjuration, and made and subscribed the Declaration against Transubstantiation, contained in the Act 25 Car. 2. Intituled, *An Act to prevent Dangers which may happen from Popish Recusants*, before the Bishop or Ordinary, who is by this Act required to administer and receive such Oath and Declaration, and file such Certificates,

and keep a Register of the same, and of subscribing such Oaths and Declarations, &c.

Any Person, who hath got a Licence, &c. 3 and afterwards, during his keeping School, shall knowingly resort to any Conventicle in *England*, &c. for the Exercise of Religion, in any other manner, than according to the Church of *England*, or shall knowingly be present at any Meeting, though the Liturgy be there used, where her Majesty, and the Elector of *Brunswick*, &c. shall not be there prayed for according to the Liturgy of the Church of *England*, except where such particular Offices of the Liturgy are used, wherein there are no express Directions to pray for her Majesty, &c. shall be liable to the Penalties in this Act, and be thenceforth incapable of keeping any School, &c. — If any 4 Person so licenced shall teach any other Catechism than that in the Common-prayer, his Licence shall be void, and he shall be liable to the Penalties in this Act. — The Bishop or Ordinary may cite any School-master, teaching without Licence, and proceed against, and punish him by ecclesiastical Censures, subject to such Appeals, as in cases of ordinary Jurisdiction.

A person offending against this Act shall not 6 be punished twice for the same Offence. — 7 Any Person prosecuted for an Offence against this Act, shall not be afterwards prosecuted for the same Offence, whilst such former Prosecution shall be depending, and carried on without any wilful Delay; but may alledge in his Defence such former Prosecution depending, &c. making Oath before the Judges of the Court, where the Action is depending, that the prior Prosecution was not commenced by his Means, or by Fraud or Collusion of any other Person, to his Knowledge or Belief.

This

- 8 This Act shall not extend to any Tutor in a College or Hall in either of the Universities in *England*, nor to any Tutor imployed by any Noble-Man or Woman to teach their Children or Grand-children only in their Family, so as such Tutor do in every Respect qualify himself according to this Act (except only in that of taking a Licence from the Bishop or Ordinary.)
- 9 The Penalties in this Act shall not extend to any Foreigner, or Alien of the foreign reformed Churches, for teaching Children of such Foreigners or Aliens only. — If any Person convicted, and made incapable of teaching Youth, shall afterwards conform to the Church of *England* for the Space of one Year, and receive the Sacrament according to the Usage thereof, three Times in that Year, he shall be again capable of having a Licence to teach School, &c. performing every Thing which by this Act is made requisite thereunto. —
- 11 Any Person so convicted, and afterwards conforming, shall, the next Term after he is admitted to teach School, make Oath in Writing, in a Court at *Westminster*, between nine and twelve in the Morning, that he hath conformed to the Church of *England* for one Year before such Admission, without having been present at any Conventicle; and that he hath received the Sacrament three times in that Year; which Oath shall be enrolled and kept on Record.
- 12 This Act shall not extend to any Person, who shall instruct Youth in Reading, Writing, Arithmetick, or Mathematical Learning only, so far as it relates to Navigation, and taught in *English* only. The Remedies, Provisions, and Clauses in this Act shall extend to *Ireland*, &c.

School

28 Hen. 8. c. 24. Persons not able to keep¹ their Children at School at the Age of 10 Years, shall put them to Handicrafts or Husbandry, upon pain of 6 s. 8 d. to be forfeited to the Lord of the Manor, to be presented and inquired of in his Court, and if he have none, then to the King; and Justices of the Peace in the King's Courts, are to inquire thereof as they do of the Penal Statutes, and to see the same put in Execution.

12 Eliz. c. 1. There shall be a Free-school in² every Diocess of this Realm, and the School-master shall be an *Englishman*, or of the *English* Birth of this Realm, and the Archbishop of *Armagh* and of *Dublin*, the Bishops of *Meath* and *Kildare*, and their several Successors for ever, shall have the Nomination, every one within his own Diocess, of the School-masters for ever, and the Governor of this Realm the Nomination of all the rest.

The School-house of every Diocess shall be³ built in the principal Shire-town of the Diocess (where they are not already builded) at the Costs and Charges of the whole Diocess, without respect of Freedoms, by the Oversight of the Ordinaries of the Diocess, or of the Vicars General (*Sede vacante*) and the Sheriff of the Shire.

The Governor, &c. with the Advice of the⁴ Council or major part thereof, shall, according to the Quality and Quantities of every Diocess, appoint every School-master such several Pensions (where none is already appointed) as they think convenient, whereof the Ordinary of every Diocess shall pay a third part, and the Clergy of his Diocess the other 2 parts, by an equal Contribution

Contribution to be made by the said Ordinaries.

5 And all Ecclesiastical Livings, come by any means to the Possession and Seisin of the Queen or any of Her Progenitors, shall (in whose Hands or Possession soever they are or shall come) be chargeable with this Payment.

6 7 *Stat. 3. sess. 1. c. 4.* No Person whatsoever of the Popish Religion, shall publicly teach ^{Quere by whom the Offenders are committed.} School, or instruct Youth in Learning, or in any private Houses within this Realm (except only the Children or others under the Guardianship of the Master or Mistres of such private House) upon pain of 20*l.* and also of being committed to Prison without Bail or Mainprize, for the Space of 3 Months for every such Offence.

7 The Act of 28 *Hen. 8.* Intituled, *An Act for the English Order, Habit and Language*; whereby its enacted (among other things) that every Incumbent of each Parish, within this Kingdom, shall keep or cause to be kept, within the Parish, Territory or Place where he shall have Preheminence, Rule, Benefit or Promotion, a School to learn *English*; (which see here before in Tit. *English Language*) and also one other Act, of 12 *Eliz.* Intituled, *An Act for the erecting of Free-schools* (being the Act here before mentioned, *f. 2.*) And all other Acts and Statutes in Force in this Realm, concerning Schools, to be strictly observed and put in Execution, according to the good Intent of the same: And the Justices of the *King's Bench* each Term, and the Judges of Assize, in their Circuits, and the Justices of the Peace, in their General Quarter-sessions of the Peace, are required to give this and the said former Acts in Charge, from time to time, to the several Grand Juries, to be then impannelled and charged, and to be very circumspect in seeing the same put in Execution.

8 *Anu.*

Schools and School-masters.

8 Ann. c. 3. pars. If any Papist shall publickly teach School, or instruct Youth in Learning in any private House, or shall be entertained to instruct Youth as Usher or Assistant, by any Protestant School-master, he shall be esteemed a Popish Regular Clergyman, and prosecuted as such, and shall incur such Penalties and Forfeitures as any Popish Regular Convict is liable unto.

No Person after the 1st of *November*, 1709. shall be qualified to teach School publickly, or instruct Youth in Learning in any private House, or as Usher or Assistant to any Protestant School-master, who shall not first, or at the next Assizes, or at the Quarter-sessions for the County where he shall inhabit and reside, after he is so entertained, take the Oath of Allegiance, and make and subscribe the Declaration, and take and subscribe the Oath of Abjuration.

If any Person shall offend herein, he shall forfeit 10 *l.* for every such Offence.

If any Person shall entertain any one not qualified, as aforesaid, as Tutor, Usher or Assistant, he shall forfeit 10 *l.* for every such Offence, one Moiety of the said Forfeitures shall go to the Informer, the other, (the Expence of the Prosecution being first deducted) to the Use of the Poor of the Parish, to be recovered by Civil Bill at the Assizes, and for the County and County of the City of *Dublin*, at the Quarter Sessions.

If any Person, after the first of *September*, 1709. shall discover any Popish School-Master, or any Papist instructing Youth in private Houses, as Tutor, Usher or Assistant to any Protestant School-master, so as he may be apprehended and convicted, every such Discoverer shall receive as a Reward for the same, the Sum of 10 *l.* for each Popish School-master, &c. to be levied

on

on the Popish Inhabitants of the County where such Popish School-master, &c. taught or instructed Youth, or most commonly resided, and shall be convicted thereof, as Money for Robberies is to be levied, where the Robbery is presented to be committed by Papists only, and to be levied in the County and County of the City of *Dublin*, as other publick Money is levied at the General Quarter-Sessions of the Peace.

- 13 Any 2 Justices of the Peace, whereof one to be of the *Quorum*, may, by Warrant under Hand and Seal, directed to any Constable within the said County, summon any Popish Person of the Age of 16 Years or upward, to appear before them, within 3 Days after the Date of the said Warrant, at a place not above 5 Miles from his Habitation, and give Testimony on Oath, touching the Being, Residence and Abode of any such Popish School-master, &c.

The Penalty for not appearing, or appearing, refusing to answer, and the Time limited for giving Information, vide Tit. Papists.

- 14 Every Popish School-master who, offending *Vide Papists.* against this or any former Act, shall be liable to Transportation, shall within 3 Months be transmitted, by Order of the Justices of Assize or Peace in the Quarter-Sessions, to the common Goal of the next Sea-port-town, there to remain until transported.

The Manner of Transporting them, and the Penalty of Returning, vide Papists.

- 15 2 *Geo. 1. c. 17. pars.* All licensed School-*Vide Servants.* Masters and School-mistresses, shall have the like Remedy for Recovery of any Fee or Wages due to them for teaching any Child, as is allowed by this Act to Servants, Artificers and Day-labourers.

8 *Geo. 1. c. 12. pars.* Every Archbishop or 16
 Bishop, with the Consent of his Dean and
 Chapter, signified by Certificate under their
 common Seals, and where there is no Dean and
 Chapter, with the Consent of the Archdeacon
 and six Beneficed Clergymen of the Diocess, sig-
 nified under their Hands and Seals, and also
 every Dean, Archdeacon, Dignitary, Prebenda-
 ry, and Ecclesiastical Person whatsoever, with
 the Consent of the Archbishop or Bishop, sig-
 nified by Certificate under the Hand and Seal
 of such Archbishop or Bishop, by Deed under
 Hand and Seal (such Deed and Certificate to be
 enrolled in *Chancery*) may make an absolute
 Grant to the Church-wardens of each Parish,
 and their Successors for ever, of any Quantity of
 Land to them belonging, as Glebe or otherwise,
 not exceeding 2 Acres for any Archbishop or Bi-
 shop, and one Acre for any other Person before
 mentioned, for the Use of a Resident Protestant
 School-Master, to teach the *English* Tongue,
 from Time to Time to be nominated by the Per-
 son making such Grant, and his Successors, and
 licenced by the Archbishop or Bishop of the Di-
 ocess.

Provided, no Land so granted for the Use of 17
 any School-Master, shall make him, or any
 Person deriving under him, a Free-holder, to
 any Intent or Purpose.

12 *Geo. 1. c. 9. pars.* Every Archbishop, 18
 Bishop, Dean, Dean and Chapter, Dignitary
 or Prebendary of a Cathedral Church, out of any
 Land to any of them belonging, by Deed inrol-
 led in *Chancery*, may appoint and set apart any
 piece of Ground not exceeding one Plantation
 Acre, lying near the Cathedral Church, or in
 some more convenient part of each Diocess, to
 be approved of by the Chief Governor, under
 Hand and Seal, for the Use of the Master of the
 Free-

Free-School of the Diocess; and such piece of Ground shall for ever be deemed to be the place for the Free-School of the Diocess; and in every Diocess, until such piece of Ground shall be appointed, the Free-School shall be kept in such convenient place within the Diocess, as the Archbishop or Bishop of the same can procure, either for a yearly Rent or otherwise.

19 Provided, where in any Diocess there is already a piece of Ground appropriated to the Use of a Diocess-School, such piece of Ground shall for ever be and remain in the place of the Diocess-School of the said Diocess.

20 No Money shall be raised for erecting a Free-School, according to 12 *Eliz. c. 1. for erecting of Free-Schools*, until a place according to this Act, or in some other sufficient Manner, shall be appointed; and after such Appointment, the Grand-jury of each County, from time to time, may present such Sums of Money as they shall find reasonable, to be levied for their proportion towards building or repairing such Diocess-School, to be levied upon the whole, or such part of the County as shall be in each Diocess, in such Manner as other publick Money is levied, upon Presentments made by Grand-juries.

21 When any Money shall be levied towards building a Free-School in Manner aforesaid, it shall be paid by the Treasurer of the County, into the Hands of such Person as the Grand-jury in their Presentments shall appoint, who shall account for the same upon Oath, in such Manner, and at such Time as the Grand-jury shall direct, or in their Presentment appoint.

22 Every Beneficed Clergymen who, by 12 *Eliz. c. 1.* is obliged to pay any part of the 2 Third-parts of the yearly Salary appointed by the said Act for such School-Master, shall yearly at the Visitation held for the proper Diocese, account

count with the School-Master to whom the same ought to be paid, and pay whatever shall appear to be due; and if he shall not pay what shall be so due within three Kalendar Months after the Day of such Visitation, the Archbishop, Bishop, Vicar-General or Chancellor of the Diocese, shall sequester the profits of the Benefice of such Clergyman, for payment thereof, until the same be levied and paid.

The Archbishop of *Armagh* and his Successors²³ with the Consent of the respective School-Masters, (in Trust for whom several Lands were granted by King *Charles the First*, to *Thomas* then Archbishop of *Armagh* and his Successors) testified by their being Parties, and signing such Lease, may demise all or any part of the said Lands, for any Term not exceeding twenty one Years from the making thereof, at the most improved Rent to be reserved to the Archbishop, &c. in Trust for the Masters of the said Schools, so as there be no other Lease in Being, which shall not expire within one Year from the making such Lease.

1 *Geo.* 2. c. 15. pars. The Archbishop of²⁴ *Armagh* may appoint by Certificate under his Hand and Archiepiscopal Seal, what part of the Lands, (granted by King *Charles* 1. to *James* then Lord Archbishop of *Armagh* and his Successors, in Trust for the Masters of several Free-Schools) belonging to any such Free-School as is convenient for the Residence of the Master and his Successors, which from thenceforth shall be deemed as Part of the Demesne of such Free-School; and all Improvements and Repairs on any Land so certified, shall be under the same Appointments and Limitations, as Improvements and Repairs made by Ecclesiastical Persons on their Glebes are under by 10 *Gul.* 3. c. 6. and also by 12 *Geo.* 1. c. 10. And such Master
and

and his Successors, and their Respective Executors and Administrators, shall receive from his and their Respective immediate Successor, and Successors, and his and their Respective Executors and Administrators, such proportion of the Sum by him and them expended for any Improvements or Repairs on the Land so certified, and in such Manner as Ecclesiastical Persons are by virtue of the said Acts entitled to receive for Improvements on their Glebes.

25 Where Lands belonging to a Free-School are at a great Distance from the place where the Free-School is erected, and where Free-Schools are erected on so small a Quantity of Land, that there is no convenient Residence for the School-Master, the several School-Masters of such Free-Schools, with the Consent of the Archbishop of *Armagh*, certified under his Hand and Archiepiscopal Seal, may exchange with any Archbishop, Bishop or other Person, Lands belonging to the Free-School which lie inconvenient and at a Distance from it, for such Quantity of Lands of equal Value, Worth and Purchase, lying convenient to the School, as the Archbishop of *Armagh* shall judge proper for a Demesne for the Master of such Free-School, in such Manner as by 2 *Ann. c. 10.* is directed.

26 See *His present Majesty's Charter dated the 24th of August, 1733. for Erecting English Protestant Schools in this Kingdom by which*, the Lord Lieutenant and some of the Chief Nobility, &c. are constituted a Corporation, by the Name of the Incorporated Society in *Dublin*, for promoting *English* Protestant Schools, and are made capable to enjoy in perpetuity Lands, &c. not above 2000 a Year, and to receive Benefactions to be applied to that use.

Schools and School-Masters.

5 *Geo. 2. Sess. 3. c. 4. pars.* Any seized in 27 Fee-Simple, Fee-Tail, or for Life, in Possession of Lands with immediate remainder to his issue, may by Deed, grant a Plantation Acre thereof worth 30 s. Yearly, and not being, or reputed to be part of the Demesne usually occupied with his Mansion House, for the use of a resident Protestant School-Master to teach the *English* Tongue to such Children of Poor Papists, and all others as will resort to the same, and that the Minister and Church-Wardens, and their Successors for ever, of the Parish, shall be capable of receiving such Grant for such use.

Settlement.

10 *Gul. 3. sess. 2. c. 16.* By a Clause in this Statute, It is Enacted, That nothing in 10 *Gul. 3. sess. 2. c. 7.* shall be taken, construed or intended, to bar the Right, Title or Interest of any Archbishop, Bishop, Dean, Dean and Chapter, College, Prebendary, or other Ecclesiastical Dignitary, Parson, Vicar, or other Incumbent, or any of their Successors, to any Lands, Tenements, Chiefries, Privileges, Royalties or Hereditaments whatsoever, &c. they or any of them were intitled unto, at the Time of passing the said Act, but that they and every of them, and their respective Successors, shall have such Right and Title, as they or any of them had, at or before the making the said Act: And may be at Liberty to prosecute any Action, commence any Suit, distrain or pursue such Methods for Recovery of such their Right and Title, to any Lands, &c. as they might have done at or upon the first Day of *October*, 1698. any Thing in the said recited Statute to the contrary notwithstanding.

2 *2 Ann. sess. 1. c. 9.* Every Archbishop, Bishop, and other Ecclesiastical person, shall hold and enjoy all their Manors, Lands, &c. against every person claiming the same as Nominee, Letteree, Ensign-man, or Provisor-man, in such manner as any Patentee provided for by *Stat. 10. W. 3. c. 7.* might hold and enjoy the same.

3 No person decreed innocent, and by his Decree left to the Law, who has not hitherto brought any Action for, and actually recovered the Houses, Lands, &c. for which he was so left to Law, shall at any Time after passing this Act, be admitted to bring any Action or Suit whatsoever, but shall be debarred from so doing, and his pretended Right for ever extinguished.

4 No Archbishop, Bishop, or other Ecclesiastical person, shall be sued or impleaded on pretence of any antient Incumbrances by Judgments, Recognizances, Statutes, &c. acknowledged or entered into, on or before the 23d Day of *October*, 1641. that are not now depending, or if depending, have not been prosecuted since the 23d Day of *October*, 1641. charging any Lands, &c. of any Archbishop, &c. nor shall any Process be sued on any such ancient Incumbrance.

5 Provided, that nothing herein shall prejudice any Debt, Right, Title, Interest or Estate of, in, or unto any Lands, &c. contained or mentioned in any Judgment or Decree, obtained by any Protestant, in the late Court for Adjudication of Claims of Innocents or Court of *Exchequer*, or any the *Four-Courts* sitting at *Dublin*, before the 22d of *August*, 1663. nor any Chiefry or other Incumbrances, whereof or whereon any Interest, Sum of Money, or other Consideration hath been received since the passing of

Letters-Patents of such forfeited Lands, &c. claimed to be liable thereunto.

Spiritual Persons.

Pal. 345, 458. 17 & 18 *Car.* 2. *sess.* 5. c. 10. All Persons *usq;* 480. *Vagh* having any Bishopricks, Benefice or other ecclesiastical Dignity or Promotion, in the Kingdom of *England*, or Dominion of *Wales*, shall after the 24th of *June*, 1666. during the time of his holding and enjoying the same, be wholly incapable of holding or enjoying any in this Kingdom of *Ireland*; and from the said time, all Grants and Presentations of any Bishopricks or other ecclesiastical Dignities, &c. in this Kingdom to any Person or Persons, at the time of such Grant or Presentation, having or enjoying any Bishoprick, &c. in *England*, shall be null and void, as if such Bishop, Incumbent, &c. had dyed or resigned, and that from thenceforth, it shall be lawful for the King and all other Patrons and Donors of the same Promotions or any of them, in this Kingdom of *Ireland*, according to their respective Rights, to grant, present or collate to the same accordingly.

Also if any having or enjoying any ecclesiastical Promotion in this Kingdom, shall after the said time, accept of, hold or enjoy another in *England* or *Wales*, then immediately from and after such Acceptance, &c. thereof all former Grants, &c. of any Bishoprick, &c. in this Kingdom of *Ireland*, to any such Person or Persons, shall be void as aforesaid, and the King and all other Patrons and Donors, may grant, &c. as aforeshewed.

A Proviso, that *Griffith* Lord Bishop of *Ossory* should hold and retain the said Bishoprick, together with the Deanry of *Bangor* in *Wales*, until the Augmentation mentioned in the Act of Settlement,

Settlement, should be settled on him and his Successors.

4 10 **Sul.** 3. *sess.* 3. c. 6. Every Archbishop, Postea. Sed. 15. 19 45. &c.
 Bishop or other Ecclesiastical Person whatsoever, that heretofore did, since the Year 1690, or shall hereafter make, build, erect, add to, or repair any House, Out-house, Garden, Orchard, or any other necessary Improvement, on his Demesne, Glebe or mensal Land, or in any other Lands in his possession, belonging to his See or Church (that shall be certified in the manner hereafter mentioned in like cases) to be fit and convenient for the Residence and Habitation of him and his Successors, which from thenceforth shall be deemed and taken to be part of the Demesne, &c. shall have from his next immediate Successor, his Executors or Administrators respectively, two Thirds of the Sum or Sums really expended and laid out in such Building, Additions, Repairs and Improvements (necessary annual Reparations only excepted) which Sum or Sums shall be finally settled and ascertained, by Certificate under the Hand and Seal of the chief Governor or Governors for the time being, in the Case of an Archbishop, and of the Archbishop of the Province, in the case of a Bishop; and by like Certificate of the Bishop of the respective Diocess in other Cases; and such Successors as aforesaid, having paid the two Thirds of the Sum or Sums certified as aforesaid, shall and may receive one Moiety thereof, that is one Third of his first Disbursement, from his next Successor; which said Sums shall be paid in all Cases of Removal or Translation, by four equal half yearly Payments, to be accounted from such Removal or Translation, and in case of Death, by two half yearly equal Payments, to be accounted from the Day of such Death, and shall and may be recovered by the Party who ought to receive

Spiritual Persons.

the same, his Executors or Administrators, either by Distress on any of the Lands or Tenements of such Archbishoprick, Bishoprick, Living or Benefice, belonging to the Successor hereby obliged to pay the same, or by Sequestration of one Moiety of the Rents and Profits of such See or Benefice, which Sequestration is to be made and granted; by the Chief Governor or Governors of this Kingdom, in case of an Archbishop; and by the Archbishop of the Province, in case of a Bishop; and by the Bishop of the Diocess in all other Cases; who are respectively required to make and grant the same; or by Action of Debt in any of the King's Courts of Record in this Kingdom, at the Election of the party, who sues for the same.

It's made lawful for any Archbishop, by and with the Approbation of the chief Governor or Governors of this Kingdom, and for any Bishop, by and with the Approbation of the Archbishop of his Province; and for any other Ecclesiastical Person, by and with the Consent of the Bishop of his Diocess, certified in Writing under their respective Hands and Seals, to purchase to them and their Successors respectively, within their respective Diocess, Houses already built, with Conveniencies thereunto belonging, or Lands and Tenements fit for such Buildings and Conveniencies, for the Habitation and Residence of them and their Successors for ever, thenceforth to be part of their Demesnes, Glebe or Mensal Land respectively, unalienable, and not to be let or disposed of, to any other Use whatsoever: and that the Purchase Money for the same, and the Charges and Expences of Buildings, Additions and Repairs, as aforesaid, being ascertained and certified, as aforesaid, shall be repaid as to two Thirds thereof, by the next immediate Successor, who shall have and receive from his
next

next Successor, one Moiety or half of what he pays in like Manner, and with like Remedy as aforesaid.

6 Made lawful for *Thomas* Lord Bishop of *Limerick*, to convey his Dwelling-House in *Limerick*, with the Appurtenances, to the Use of him and his Successors Bishops of *Limerick*, and he to be paid for his Disbursements in purchasing, building, improving and repairing the same (being first certified and ascertained as aforesaid) as to 2 Thirds thereof, by his next immediate Successor, who likewise shall have one Moiety or half of his Payment, from his next Successor, in like Manner and with like Remedy as aforesaid.

7 And made lawful for the Lord Bishop of *Elphin*, for the time being, to remove the Timber and other Materials from *Elphin*, to any other parts of the Lands belonging to that See within his Diocess, and in his possession, where he or they (with the Approbation of the Archbishop of the Province, certified in Writing under his Hand and Seal, shall think fit) to build a Mansion-house for the Bishop of that See, pursuant to the Act : And that part of the Lands of *Magherilin*, *Killoklan*, *Bellymagin* and *Garrick Mac Gingan*, lying and being in the County of *Down* and Diocess of *Dromore*, containing about 55 *Irish* Acres, belonging to the said See, and now in possession of *Tobias*, Lord Bishop thereof, and by him purchased from the former Lessees, and the House built thereon by him, with the Out-houses and Appurtenances, be ever hereafter added to the Demesnes of the said Bishoprick of *Dromore*, and be for ever deemed, reputed and taken to be the Manse-house and part of the Mensal Lands of that See : And that the said *Tobias* Lord Bishop of *Dromore*, his Executors and Administrators, shall be repaid 2 third parts of the Charge of purchasing

Spiritual Persons.

the said Leases, and making and erecting the Buildings, Plantations and Improvements thereon (the same being first ascertained by Certificate of the Archbishop of the Province, under his Hand and Seal, as aforesaid) by his next and immediate Successor, who shall likewise receive one Moiety thereof from his next Successor, in like Manner and with the like Remedy as aforesaid.

If any Archbishop, Bishop, or other Ecclesiastical Person whatsoever, shall suffer or permit his or their Mansion-house, or any or either of them, or any of the Buildings, Out-houses, Gardens or Orchards, or other Improvements that now are, or hereafter shall be built, made or erected on their respective Demesnes, Glebes or Mensal Lands, to decay, go to Ruin, or be out of Repair, that then his immediate Successor or Successors shall, and may commence his or their Suit in the Ecclesiastical Court, against such Archbishop, &c. his or their Executors or Administrators, and have the full Benefit of the Ecclesiastical Laws now in Force in this Kingdom in that Behalf; or at his or their Election may recover, by Action of Debt, against such Archbishop, &c. his or their Executors or Administrators, in any of the King's Courts of Record in *Dublin*, such Sum or Sums as shall be sufficient to put such Houses and Improvements in as good Repair as they were in, at any time during the Incumbency of his or their Predecessor, so suffering or permitting the same to go to Ruin and Decay; which Sum or Sums of Money so recovered, levied and paid to such Successor or Successors, shall forthwith be laid out, and expended in the Amendment and Reparation of the respective Houses and Improvements, for the which the same shall be recovered as aforesaid; and in default thereof, by the Space of 6 Months

Months after Recovery and Payment as aforesaid, the Arch-Bishoprick, Bishoprick, or other Ecclesiastical Living or Benefice of such Ecclesiastical Person, shall be sequestred in such manner and by such Persons as is before herein expressed, until such Ecclesiastical Person shall expend and lay out all such Sums so recovered and paid, as aforesaid, in the Reparation and Amendment of their respective Houses and Improvements as aforesaid. And if the Person so recovering as aforesaid, shall happen to dye before the Sum recovered by him be laid out in Reparation and Amendment as aforesaid, that then his next and immediate Successor or Successors shall and may recover from the Executors and Administrators of the Person so dying, double the Sum so recovered and paid as aforesaid, by Action of Debt, in any of the King's Courts of Record in *Dublin*, unless such Executors or Administrators shall and do voluntarily, ^{13 Eliz. c. 10.} *En.* and without Suit, pay the same to such Successor or Successors, who is to expend and lay out the same in manner aforesaid, and under the like Penalties and Forfeitures aforesaid; and if any Archbishop, Bishop, or other Ecclesiastical Person, that already hath, or hereafter shall suffer Dilapidations or Decay in his Mansion-house, or Improvements (contrary to the Act) shall hereafter make any Deed, Devise, Conveyance, Grant, Lease, Bequest, colourable Sale or Gift (without full Consideration) of his personal Estate or any part thereof, with Intent to defraud his Successor of the Remedy intended him, all such Deeds, Devises, &c. shall be void, and of none Effect, against such Successor or Successors.

9 From the 1st of *January*, 1698. it shall not be lawful for any Rector, Vicar, Curate, or other Ecclesiastical Person whatsoever, having a Glebe fit and convenient to be built or improved upon,

upon, for the Habitation and Residence of him and his Successors, or whereon a Manse-house is already built, or shall hereafter be built, or which shall lye so near or contiguous to such House so built, or to be built, as to be conveniently made use of with the same, to alien, set, let, or demise such Glebe or any part thereof, to any Person or Persons whatsoever, for any longer Term or Time than one Year, from the making thereof, in possession and not in Reversion; but that all Alienations, Leases, &c. of such Glebes or any part thereof, for more than one Year, as aforesaid, shall be void.

Certificates required to be made in the several Cases before-mentioned, shall be entered in the publick Registry of such Diocess to which the same relate, before any Benefit or Advantage be made thereof, and the Exemplification of such Certificates so registred, under the Hand and Seal of the Archbishop or Bishop of the said Diocess, shall be as effectual in the Law to all Intents, to be produced at any Tryal at Law or otherwise, as the Original would have been in case the said Original shall, at any time, happen to be lost or mislaid, or so detained, that the Party concerned cannot have the same to produce and make use of, as aforesaid.

Enacted, that the ancient Parish-church of *Kiltoborke*, in the Barony of *Leitrim*, in the County of *Leitrim*, shall be built in the Town of *Car-rick-Drumruske*, at the Charges of the said Town, in some convenient place in the said Town, to be set apart for that purpose, by *Sir George St. George of Helford*, Baronet, and that the said Church so to be built, and no other, shall, from the time of its being so built, be, and be deemed to be, the Parish-church of the said Parish of *Kiltoborke* to all intents and Purposes, and the Land to be set apart for the said Church and Church-

Church-yard thereof, shall belong and appertain for ever to the said Church, freed and discharged of, and from all Claims, Demands and Estates of the said Sir George St. George, and of any Person or Persons whatsoever, claiming or deriving from, by or under him the said Sir George St. George, or under Sir Oliver St. George, late of *Hetford*, Baronet, deceased.

12 6 Geo. 1. c. 13. *pars.* If any Beneficed Clergyman, being a Rector or Vicar, having Cure of Souls, shall, from and after the 25th of *March* 1720. nominate and present any Curate to the Bishop or Ordinary, to be licensed to serve the Cure of such Rector or Vicar in his Absence, the Bishop or Ordinary having Regard to the Greatness of the Cure and the Value of the Ecclesiastical Benefices of such Rector or Vicar, shall on or before the granting such Licence, appoint by Writing under Hand and Seal, a sufficient Allowance, not exceeding 50*l.* per *Annum*, nor less than 20*l.* to be paid at such times as he shall think fit, by such Rector or Vicar to such Curate, where there is a Church already, or shall be hereafter built; and if it shall appear to the Bishop or Ordinary, that any such Curate licensed before the 25th of *March*, 1720, hath not a sufficient Maintenance, the Bishop or Ordinary may appoint him a certain Allowance as aforesaid; and if any Difference shall arise between any Rector or Vicar and his Curate, touching such Allowance or the Payment thereof, the Bishop or Ordinary, on Complaint, shall summarily hear and determine the same, and in case of Neglect or Refusal to pay such Allowance, may sequester the Profits of such Benefice for, and until Payment thereof.

13 Provided, where any Incumbent shall be entitled to, and possessed of more Benefices with Cure, than are by Virtue of any Episcopal Union which shall be made after the 25th of *March*,

1720,

Spiritual Persons

1720, which lie contiguous, and the Extent of them doth not exceed three Miles from the Church where the Union is served, the Archbishop or Bishop may appoint one Curate and no more for such Benefices.

12 Geo. 1. c. 10. pars. From and after the 14
first of May, 1726, when any Certificate shall be given and made out, by Virtue of 10 Gul. c. 6. for any Sum to be charged upon any Archbishoprick, Bishoprick or other ecclesiastical Living, for any Building or Improvements, such Certificate shall contain a true Account of the true yearly Value or Income of such Archbishoprick, &c. as the same shall be proved before the Persons granting such Certificate, at or before the Time of making out such Certificate, whose Judgment therein shall be final, and the yearly Value or Income shall be computed of that particular Living only whereon such Building or Improvements are made, and no other, unless there be a real Union, pursuant to any Act of Parliament of the said Ecclesiastical Living, with other Livings, from which it is inseparable.

Instead of the Payments directed to be paid 15
by the said Act, every Archbishop, &c. who shall from the said first of May, make, erect, add to, or repair any House, Out-houses, Garden or other necessary Improvements on his Demefne-Glebe or Mensal-Lands, in manner herein directed, for which a Certificate shall be obtained, as by this Act is appointed, such Archbishop, &c. his Executors or Administrators, shall from his next and immediate Successor, have and receive three Fourths of the Sum so certified; and such Successor having paid the said three Fourths, his Executors or Administrators, shall receive two Thirds thereof (that is) one Moiety of the Sum first certified from his next Successor, which Successor having paid the said Moiety, his

his Executors or Administrators shall receive from his next Successor one half thereof (that is) one fourth part of the Sum in the first Certificate mentioned; all which Sums shall be paid and recovered within the Times, and in the same Manner as the Sums to be paid and recovered by the said former Act are directed.

16 No Person who shall succeed into any Archbishoprick, &c. shall be obliged to pay his Predecessor, his Executors or Administrators, by Virtue of any Certificate for building or improving on Church-Lands, any greater Sum than the clear Value of one Year and a half's Income, so limited as aforesaid.

17 No Certificate shall be given or made out for any Dwelling-house or Building upon any Church-Lands, by Virtue of the said Act, unless the same be made of Stone and Lime, or Brick and Lime, and timbered in the Roof and Floors with Oak or Fir-Timber (Bogg-Oak excepted) and covered with Slates, Shingles or Tiles; and the Building strong and durable, except Livings under 100*l. per Annum*, where such Houses and Buildings may be covered with Thatch, provided the Timber be such as before specified.

18 Where, in any Diocese the Bishop thereof hath no more than 100 Acres of Mensal-Lands, every such Bishop may purchase to the Use of him and his Successors, with the Consent of the Archbishop, under his Archiepiscopal Seal, any Lands in such Diocese, not exceeding 200 Acres Plantation Measure, upon which Purchase, there may be reserved out of such Lands, any yearly Rent not exceeding one half of the improved yearly Value thereof at the Time of the purchase; which Rent so reserved, shall continue a Charge on such Lands in the Hands of every such Bishop and his Successors.

All

All Lands so purchased, shall be and continue Menſal-Lands ; and every Biſhop who ſhall purchase ſuch Lands, or build a Houſe or make any other Improvement thereon, convenient and proper for the Reſidence of ſuch Biſhop and his Succeſſors, ſuch Biſhop, his Executors or Adminiſtrators, ſhall have and recover ſuch proportion of ſuch Purchase-Money, and of ſuch Money ſo laid out in Building and Improvements, as a Biſhop is intitled to for Houſes built on his Menſal Lands by this Act, and to be recovered in Manner aforeſaid.

*Peſt. ſec. 52.
a Fortnight
ſufficient.*

Every Archbiſhop, &c. intending to make any Building or Improvement on his Demefne or Glebe-Lands, ſhall at leaſt three Months before he begins the ſame, give to the Perſon who is to give ſuch Certificate by this or the ſaid former Act, a Writing ſubſcribed by him in preſence of two Witneſſes, ſetting forth the Length, Breadth, Heighth and Thickneſs of the Wall of ſuch Houſe intended to be built, with the Number of Stories, and the Situation of the Ground whereon the ſame are to ſtand ; as alſo the Nature and Extent of all other Improvements intended to be made, a Copy of which Writing, if approved of, ſhall be returned unto ſuch Archbiſhop, &c. in like Manner, ſubſcribed by the Perſon unto whom the ſame is ſo given ; and if the Houſe or Improvements, or ſo much of the ſame, as ſhall be built or made before the Death or Removal of the Incumbent undertaking the ſame, ſhall be found agreeable unto what is contained in ſuch Writing, and the Value thereof ſo reported by the Commiſſioners appointed, as herein after is mentioned, then, and not otherwiſe, ſuch Certificate as aforeſaid, ſhall be given for the ſame, according to the Value of ſuch Houſe and Improvements ſo reported, and under the Limitations in the Act,

Pro-

- 21 Provided no Wainscot shall be looked upon as an Improvement, or certified as such, except the Ecclesiastical Benefices whereunto such House belongs, shall appear to be of the clear Value of 300 *l. per Annum*.
- 22 The Chief Governors, &c. and every Archbishop and Bishop respectively, may grant any Commission to two or more Persons, to view and examine the Houses and Improvements made on Church-Lands, by Virtue of this or the before mentioned Act, and may administer an Oath to such Commissioners, to return a true and just Account and Estimate of such Buildings and Improvements; according to the best of their Skill and Knowledge; and the said Commissioners may examine Witnesses on Oath, upon any Article of Accompt alledged to be so expended; and where any Archbishop, &c. shall build any House, Out-Houses, or make other Improvements upon their Mensal Lands or Glebes, and shall obtain a Certificate for the same, in pursuance of this Act; if such Archbishop, &c. his Executors or Administrators, shall demand Payment for the same, according to such Certificate, upon Complaint of the Successor of Dilapidations in the said House, Out-Houses or Improvements, a Commission shall be granted in the Manner and with the Powers aforesaid, to view and examine the said Buildings and Improvements, and the Commissioners shall return a just Report of the same to the Chief Governor, &c. Archbishop or Bishop respectively, who upon hearing the Allegations of each party, shall ascertain such Sum as he shall judge reasonable to be allowed for such Dilapidation, which Sum shall be deducted out of the Sum payable by the Successor, and shall by him be laid out in repairing such Houses, Buildings and Improvements, and such Successor within twelve Months, shall produce

produce proper Vouchers to the Chief Governor, &c. Archbishop or Bishop respectively, that the same has been justly laid out in such Repairs.

Provided the said *Stat. 10. Gul. c. 6.* shall²³ continue in Force in all Points, except where the same is altered, amended, explained and limited by this Act.

Provided nothing herein shall extend to any²⁴ Certificates, granted or to be granted, for Houses or Improvements upon Mental Lands or Glebes already made or begun, and which have not been certified according to this Act.

1 *Geo. 2. c. 18.* The Archbishops and Bishops²⁵ of every Diocese are hereby impowered to inform themselves as well by the Oaths of two or more credible Witnesses (which they or others commissioned by them may administer) as by other Ways and Means of the clear improved yearly Value of every Living with Cure of Souls, and Curacies which are commonly reputed not to exceed *30 l. per Ann.* and of the true improved clear yearly Value of the Profits accruing to the Parson, &c. officiating therein within their several Diocesses, and how such yearly Values arise with the other Circumstances thereof, and shall certify the same to the Trustees and Commissioners of the First-Fruits, who shall enter the said Certificate in a Book kept for that Purpose, and the Entries so made, attested and subscribed by the *Quorum* of the said Commissioners, shall be deemed as Records and Evidence of the true yearly Value of such Benefice, &c. and no other Value shall be admitted to be proved in any Suit touching any Grant or Augmentation made thereof in Pursuance of this Act.

After such Certificate returned and entered,²⁶ any Person, Bodies politick or incorporate, may endow or augment any Living, &c. whereof the Advowson, &c. shall belong to any Archbishop, Bishop, Dean, or Dean and Chapter, which

Spiritual Persons.

305

which shall in Manner aforesaid appear to be under or of the clear yearly Value of 30 *l.* and not more, with any Lands, Tythes, Tenements or Hereditaments of the clear yearly Value of 30 *l.* or more, provided such Augmentation shall not exceed 70 *l. per Annum*, and after such Augmentation, the Person so augmenting the same, in case the same be made with the Consent and Approbation of the Archbishop, Bishop, Dean, or Dean and Chapter, who shall be at the Time of such Augmentation seized of or entitled to the Advowson, &c. of such augmented Benefice, &c. and not otherwise, by settling and conveying Lands, Tythes, &c. upon the Rector, &c. of such Benefice, &c. for the Use of him and his Successors in such augmented Benefice, &c. shall for ever after be deemed to be the true and only Patron of such Augmented Benefice, &c. and every Archbishop, &c. who shall be at or before such Augmentation seized of or intitled unto the Advowson, &c. of such augmented Benefice, &c. shall convey such Advowson, &c. to the Person so augmenting the same, his Heirs and Assigns for ever.

27 Where two or more Persons shall join in or contribute to the Augmentation of such Benefice, &c. such Persons, their Heirs and Assigns, shall present to such Benefice, &c. by Turns, in such Manner as in the Deed of such Augmentation or Endowment shall be mentioned.

28 Any Person may allot or set apart any Land not exceeding one Plantation Acre, not less than two measured Miles distant from the Mother Church of the said Parish, whereon any Person, Bodies politick and corporate may erect a Chappel, in which the Liturgy and

Spiritual Persons.

Rites of the Church of Ireland as by Law established, are to be used and observed, who shall first settle and assure Lands, &c. in Fee-simple of the clear Value of 30 *l. per Annum*, and not exceeding 50 *l. per Annum*, for a Provision and Maintenance for a Curate to officiate in such Chappel, and his Successors for ever as a perpetual Endowment of such Chappel.

Where two or more Persons shall join in or²⁹ contribute to the erecting and Endowment of any Chappel, in Pursuance of this Act, such Persons, their Heirs and Assigns shall nominate to such Chappel by Turns, in such Manner and Order as in the Deed of such Endowment shall be settled.

Every Person, &c. who shall so erect and en-³⁰ dow a Chappel as aforesaid, shall from the time of such Endowment be esteemed in Law to be true Patron of such Chappel, and the Right of Presentation, &c. thereto shall for ever after be vested in such Person, &c. their Heirs and Successors who shall build and endow the same as aforesaid; and such endowed Chappel shall be for ever after called and known by such Name as the Founder of such Chappel shall by his Deed of Endowment direct and appoint.

All Churches, Curacies or Chappels augmen-³¹ ted, erected and endowed by Vertue of this Act, shall be from the Time of such Endowment, perpetual Cures and Benefices, and the Ministers duly admitted, &c. thereunto, and their Successors, shall be Bodies politick and corporate, and shall have perpetual Succession, by such Name as in the Grant of such Augmentation or Endowment shall be mentioned, and shall have a legal Capacity, and may take in Perpetuity to them and their Successors all Lands, &c. granted to them by Vertue of this Act.

After

32 After the first Day of *May*, 1728. every Person, Bodies politick, &c. having any Estate of Inheritance in Fee-simple in their own Right, or in Right of their Corporations or Churches, in any Lands, &c. by Deed indented under Seal, may give and grant the same to any Person, &c. officiating in any such Church or Chappel, not exceeding the clear Value of 70 *l* or 50 *l*. *per Annum*, and his Successors for ever, as a perpetual Augmentation or Endowment of such Church or Chappel.

33 All Grants and Conveyances made by Virtue of this Act, of the Patronage of any Church or Chappel, or of any Lands, &c. for the Augmentation, Erection or Endowment of any such Church or Chappel, shall be good in Law, whether such Church or Chappel be vacant or full, of an Incumbent, &c. at the Time of such Grant or Conveyance.

34 No Deed of Grant for any Augmentation made in Pursuance of this Act shall be good, without the Consent of the *Commissioners of the first Fruits*, testified under their common Seal, and unless such Deed be enrolled within six Months from the date thereof in *Chancery*.

35 The Impropriators or Patrons of any augmented Churches or Curacies, and their Heirs and Successors and the Rectors and Vicars of the Mother-Churches to which such augmented or endowed Curacy or Chappel appertains, and their Successors, shall be excluded from having any Benefit by such Augmentation, and shall allow to the officiating Ministers such annual and other Pensions as by ancient Custom, or otherwise, of Right and not of Bounty, ought to be paid, and which they might by Law, before the making of this Act, have been compelled to pay.

Spiritual Persons.

Provided no Rector or Vicar of such Mother-³⁶ church or his Successors, shall be hereby discharged from the same ; but the Cure of Souls, with all other Parochial Rights (such Augmentation to the endowed Church or Chappel only excepted) shall remain in the same Plight as before the making of this Act.

All Churches and Chappels, augmented and³⁷ endowed by Vertue of this Act, and all Ministers, &c. officiating therein, shall be subject to the Visitation and Jurisdiction of the Archbishop or Bishop of the Diocess.

If such augmented Cures shall remain void six³⁸ Months, without Nomination of a fit Person to serve the same, they shall lapse to the Bishop, &c. according to the Course of Law, in Cases of Presentative Livings, &c. and the Right of such augmented Cure may be granted or recovered, and the Incumbency thereof shall cease in like Manner as the Presentation to, or Incumbency in any Vicarage Presentative, may now be granted, recovered or determined.

If the Incumbent of any such augmented³⁹ Church, &c. shall be absent from his Cure for above sixty one Days in any one Year, without Licence of the Archbishop, &c. such Church or Chappel shall be actually void, and such Incumbent for ever after disabled to hold and enjoy the same.

Provided no Lapse shall incur in case of such⁴⁰ Church or Chappel becoming void, by want of such Residence, till six Months after Notice thereof in Writing, given by the Bishop or other Ordinary, to the Person having Right of Nomination to the same.

Provided if the Person intituled to nominate,⁴¹ shall suffer Lapse to incur, but shall nominate before any Advantage taken by the Ordinary, &c. such Nomination shall be as effectual as if made within

within six Months, tho' so much Time be before elapsed, as that the Title by Lapse be vested in the Crown.

42 Every Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary and other Dignitary, Ecclesiastical Person, Vicar, Master or Governor, and Fellows of any College, Master, Guardian or other Governor of any Hospital, and their Successors, may enter into any Agreement with any Tenant, to allow such Tenant for enclosing and preserving any Wood, not being Timber, and being at the Time of the Agreement unenclosed, any Proportion of the Value thereof, not exceeding a third Part of what such Wood shall be sold for at the Time of cutting it down; and every such Agreement shall be binding on the Successor of every such Archbishop, &c.

43 Provided, if the Tenant who hath enclosed or preserved the Wood, shall not renew his Lease, but it shall by any Means run out, before he hath had the Benefit of such Agreement; such Tenant shall receive of the Person to whom the Freehold upon the Determination of such Lease shall belong, the third Part of the real Value of such Wood at the Time of leaving the same, saving to the King, &c. and all and every other Person, &c. other than the Archbishops, Bishops, Deans, Deans and Chapters, who shall in Pursuance of this Act, convey the Advowsons, &c. to such augmented Benefices, &c. or the Grantors of any Lands, &c. for such Endowment, all such Right which they might have to the same, if this Act had not been made.

44 1 Geo. 2. c. 22. pars. Every Archbishop and Bishop, at the Time of licensing any Curate or Person in holy Orders, by any other Title or Denomination whatsoever, to assist the Incumbent of any Parish by whom he shall be nominated

nated for that Purpose in Writing under Hand and Seal, shall appoint a sufficient certain Stipend, not exceeding 50 *l. per Annum*, nor less than 10 *l. per Annum*, to be paid or answered at such Times as he shall think fit, by the Incumbent to such Curate, &c. for his Support and Maintenance.

If it shall appear to the Ordinary of any Diocess, upon Complaint or otherwise, that such Curate licensed to assist the Incumbent, hath not a sufficient Maintenance, the Archbishop, Bishop or Ordinary, upon summoning the Parties and hearing them, in case they appear, or in Default of Appearance, may appoint such Curate or Assistant, a sufficient certain Allowance in Manner aforesaid; and if any Difference arises between any Incumbent, &c. and his Curate or Assistant, touching such Stipend, the Ordinary, upon Complaint, shall summarily hear and determine the same; and in case of Refusal or Neglect to pay the same, may sequester the Profits of the Benefice for Payment thereof.

9 Geo. 2. c. 13. From the 24th of June, 1736, Every Archbishop, Bishop, or other Ecclesiastical Person, intitled to receive 2 Fourths, or 1 Fourth (*for Improvements*) by 12 Geo. 1. c. 10. who pays more than one Fourth of the whole Money, charged in the Certificate, pursuant to said Stat. may receive and recover from his next Successor, his Executors or Administrators, so much of the said 2 Fourths, or 1 Fourth, as he hath paid, more than 1 Fourth of the whole Money charged in such Certificate; for which Money so to be received and recovered, such Archbishop, &c. his Executors and Administrators, shall have the like Remedy against his next Successor, and his Executors and Administrators, as he might have had for the whole 2 Fourths, or 1 Fourth as aforesaid, in case the whole

whole Money charged upon such Archbishop, &c. had been paid according to the said Acts.

- 47 No Archbishop, Bishop, or other Ecclesiastical Person, promoted after the said 24th of June, to any Archbishoprick, Bishoprick, or other Ecclesiastical Benefice, shall be deemed a Successor, within this or the former Acts, liable to the Payment of any part of any Sum charged, or to be charged, by any Certificate, by Virtue of this or the said former Acts, who shall die or be removed within one Year, from the Death, Translation, or Removal of his immediate Predecessor.
- 48 Provided, when any Archbishop, Bishop, or other Ecclesiastical Person, shall die, or be translated or removed, the Successor who shall first be intitled to a Year's Profit, to be reckoned from the Death, Translation or Removal of such Archbishop, &c. shall be deem'd the next Successor, for the Purpose only of being chargeable with the Payment of Money certified for building on Church Lands, and for purchasing Lands, according to this and the said former Acts ; and to all other Purposes, such Person shall be deemed to be in such Degree of Succession, as if this Act had not been made.
- 49 Every Archbishop, &c. chargeable, by this or the former Acts, with the Payment of any Sum certified, or to be certified, as aforesaid, shall pay the one Moiety thereof, as soon as he is become a Successor chargeable therewith according to this Act, and the other Moiety by 2 equal half-yearly Payments, within the next Year.
- 50 Where any Certificate hath been made out or given by any Chief Governor or Governors of this Kingdom, Archbishop or Bishop, to charge any Archbishoprick, Bishoprick, or other Ecclesiastical Living, with Money for building or making other Improvements on

Church-Lands, which doth not contain an Account of the clear yearly Value of such Archbishoprick, &c. the Chief Governor, &c. or their Successors, may, at any time before the 24th of June, 1738. grant and make out an additional and supplemental Certificate; in which shall be contained a true Account of the clear yearly Value of the said Archbishoprick, &c. as it shall be proved to be at or before making out such additional Certificate, before such Persons as are impowered to make out the same, whose Judgment therein shall be final; the said clear yearly Value to be computed and proved in the manner directed by the said last Act: And such additional Certificate being so made out and granted, the Original Certificate, in which an Account of the clear yearly Value of such Archbishoprick, &c. was omitted, shall be of the same Force as if such Account had been contained therein, according to the Directions of the said former Act.

All Certificates hereafter to be made out, for any Sum to be charged upon any Archbishoprick or Bishoprick, for any Buildings or Improvements to be made pursuant to 12 Geo. 1. or 10 Gul. 3. shall contain a true Account of the clear yearly Value of the several united Bishopricks, held by the Archbishop or Bishop so building or improving, at the time of making thereof; and the Sum so certified, tho' the same be laid on one only of the said united Bishopricks, shall be charged upon all the said united Bishopricks, while the same shall continue so united, and shall be raised, levied and paid, as all other Money laid out in Building or Improvements, is appointed to be paid by this or the said recited Acts.

The

- 52 The not having given in to the Person impowered to give a Certificate, an Account in Writing, of such intended Buildings and Improvements, three Months before begun, shall not invalidate any Certificate already or hereafter to be given for such Buildings, &c. in pursuance of this and the aforesaid Acts; but for the future, it may be sufficient to give in such Account to the Person impowered to give a Certificate, one Fortnight before such Buildings and Improvements are actually begun.

Supream Head.

- 1 28 Hen. 8. cap. 5. The King, His Heirs and Successors shall be accepted, &c. the only Supream Head in Earth, of the whole Church of *Ireland*, called *Hibernica Ecclesia*, and shall enjoy annexed to his Imperial Crown of *England*, as well the Title and Stile thereof, as all Honours Dignities, Pre-eminences, Jurisdctions, Privileges, Authorities, Immunities, Profits, and Commodities to the said Dignity of Supream Head of the same Church belonging and appertaining, and shall have full Power and Authority, from time to time, to Visit, Redress, Repress, Reform, Order, Correct, Restrain and Amend all such Errors, Heresies, Abuses, Offences, Contempts and Enormities whatsoever they be, which by any manner of spiritual Authority or Jurisdiction, ought or may be lawfully Reformed, Repressed, &c.
- 2 Visitors appointed by the King, by Vertue of this Act, shall go with such Company, as shall be convenient and according to the Ability, Substance and Power of the Person, House or Monastery, which they shall Visit, and shall take no Process Money or Exactions where they Visit, but only convenient Meat, Drink, and Lodging.

ing, for themselves, their Company, Servants and Horses, in pain to forfeit four times value that they receive or cause to be received, one half to the King, and the other to the person or persons that will sue for the same, by Action of Debt, Information or otherwise, wherein no Effoin, &c. shall lye.

Swearing.

21 *Jac. 1. cap.*
20. En.

10 & 11. *Car. 1. Sess. 4. cap. 1.* If any shall prophanely Swear or Curse, either in the hearing of any Justices of the Peace of the County, or of any Mayor, Justices of Peace, Bailiff, or any other Head Officer of any City, or Town Corporate, where such Offence shall be committed, or shall thereof be convicted, by the Oaths of two Witnesses, which Oath the said Justice or Head Officer may minister or by the Confession of the Party, before any Justice of the Peace of the County, or Head Officer, or Justice as aforesaid, where such Offence shall be committed, then every such Offender shall for every time so Offending, forfeit and pay, to the use of the Poor of the Parish where the same Offence shall be committed, the Sum of 12 Pence, to be levied by the Constables and Church-Wardens or any one of them, by Warrant from such Justice of the Peace or Head Officer, by Distress and Sale of the Offenders Goods, rendring to the Party the Overplus; and in Default of such Distress, the Offender, if he or she be above the Age of 12 Years, shall upon Warrant as aforesaid, be set in the Stocks by three whole Hours; but if the Offender be under the Age of 12 Years, and shall not forthwith pay the said Sum of 12 Pence, then he or she, upon Warrant as aforesaid, shall be whipped by the Constable or by the Parents or Master in his Presence.

If

- 1 If the Offender commence any Suit in Law, against any Officer or other for putting this Act in Execution, they may plead the General Issue, and give the special Matter in Evidence : And if found against the Plaintiff, or he be Nonsuit, the Defendants shall be allowed good Costs.
- 3 Every Offence against this Law, shall be complained of and proved as aforesaid, within 20 Days after the Offence committed.
- 4 This Act shall be read in every Parish-church, by the Minister thereof, upon the Sunday after the Evening Prayer, twice in the Year.
- 5 7 Gul. 3. Seff. 1. c. 9. If any shall prophanely swear and curse, in the presence or hearing of any Justice of the Peace of the County, or of the Mayor, &c. where such Offence shall be committed, or shall be thereof convicted by the Oath of one Witness, or the Parties Confession, before any Justice of the Peace of the County, or Mayor, &c. where the Offence shall be committed, the Offender for every such Offence, shall forfeit and pay to the use of the Poor of the Parish where the Offence is committed ; if a Servant, Day Labourer, common Soldier, or common Seaman, one Shilling, and every other Person, two Shillings ; and after Conviction for the Second Offence, to pay double and for a Third time treble to the first Offence.
- 6 And any Justice of the Peace of the County, Mayor, &c. where the said Offence shall be committed, may (and are required) to send his Warrant to the Constable Tything - Man, Church-Warden or Overseer of the Poor of the Parish where the Offence is committed, or the Offender shall inhabit, to levy by Distress and Sale of the Offenders Goods, the Sum so forfeited for the use aforesaid ; and in default of Distress, the Offender, if above 16 Years of Age,

Age, by Warrant under the Hand and Seal of the said Justice or other Officer as aforesaid, shall be publickly set in the Stocks, for the Space of one Hour for every single Offence, and for any Number of Offences, whereof he shall be convicted at one and the same Time, then two Hours : And if the Offender be under the Age of 16 Years, and shall not forthwith pay the said Forfeitures, then by Warrant as aforesaid, to be Whipt by the Constable, or by the Parent, Guardian or Master of such Offender, in the presence of the Constable.

If any Justice of the Peace, or Chief Magistrate, shall willfully or willingly, omit the performance of his Duty herein, he shall forfeit 5 Pounds, one Moiety to the use of the Informer, to be recovered in any of the King's Courts, wherein no Effoin, &c. shall be allowed.

If any person whatsoever be sued for doing or causing to be done, any thing in pursuance of this Act, concerning the Offences aforesaid, he may plead the General Issue, and give the special matter in Evidence ; and if a Verdict be given for the Defendant, or the Plaintiff become Nonsuit, or discontinue his Action, the Defendant shall have Treble Costs.

None to be troubled for any Offence against this Statute, unless the same be proved or prosecuted within 10 Days next after the Offence committed.

This Act shall be publickly Read 4 times in 10 the Year, in all Parish Churches and publick Chappels, by the Parson, Vicar, or Curate thereof, immediately after Morning Prayers, on 4 several *Sundays*, viz. The *Sunday* next after the First Day of *November*, this present Year, 1695. and the 5th Day of *February*, following, the 5th Day of *May*, 1696. and 5th Day of *August* following,

following, under the pain of twenty Shillings for every such Omission or Neglect.

- 11 The Justices of Peace, Mayors, &c. are to register in a Book, to be kept for that purpose, all the Convictions made before them upon this Act, and the Time, and for what Offence, and shall certify the same to the next General Sessions of the Peace for the County or Places where the said Offences are committed, to be there kept upon Record, by the Clerk of the Peace, to be seen without Fee or Reward.

Twentieth Part. See *Postea*, s. 17. *Letters Patents of Queen Anne, releasing the Twentieth Part.*

- 1 28 Hen. 8. c. 14. The twentieth part of all the Revenues and Profits, as well called spiritual as temporal; of all spiritual Livings and Promotions whatsoever, within any Diocess of this Land, shall be paid yearly for ever to the King, before the first Day of *April* every Year.
- 2 The Chancellor, or Keeper of the Great Seal of *Ireland*, shall send into every Diocess Commissioners in the King's Name, under his Great Seal, as well to the Archbishop or Bishop of every Diocess, as to such other Commissioners as the King shall appoint; authorizing them or any three of them, by their Discretions to enquire of the true Value of all such spiritual Benefices and Promotions, with a Clause to make Allowance of Rents to chief Lords, and other annual and perpetual Rents and Charges incumbent upon spiritual Persons yearly to pay or keep, or to give yearly in Alms, by reason of any Foundation, Ordinance, and all Fees for Stewards, Receivers,

Receivers, Counsellors, Bailiffs and Auditors, and Synods and Proxies. And to certify under their Seals, or any three of them, at the Days limited by their Commissions, into the *Exchequer* of this Land, as well the whole Value as the Deductions aforesaid, of every spiritual Benefice or Promotion.

The Commissioners before they execute their Commissions, to take a corporal Oath, before the Lord Chancellor or Lord Keeper of the Great Seal, or such Commissioners as they shall appoint by Writ of *Dedimus Potestatem*, faithfully to execute their Office, without Favour, Fear, or Corruption.

After such Certificate made by the Commissioners as aforesaid, the said twentieth Part to be indifferently taxed and taken by the Treasurer and Barons of the *Exchequer*, out of the clear yearly Value (besides the Deductions aforesaid) of the Premises; and every spiritual Person to be severally and distinctly charged in their proper Diocess, for the Payment thereof, whereforever their Possessions happen to be or lie.

After such Certificate made and Tax set, every Archbishop and Bishop are made chargeable to levy and receive the same within their Diocess, as well in places exempt as not exempt; and yearly before the said first of *April*, to pay the same to the King's Under-Treasurer, or Receiver General of this Land, or such other Person as the King shall appoint to receive the same: And every of the said Archbishops and Bishops, their Executors and Administrators, and the Possessions of their Dignities and Churches, shall be chargeable for the Payment of such Money as they receive, as aforesaid. And the Treasurer and Barons of the *Exchequer* shall yearly issue out Procefs at their Discretion against

against them for such Portion of the said yearly Pensions as are taxed within the peculiar Diocese of every Archbishop and Bishop, and not otherwise.

6 Every Archbishop and Bishop may by Authority of the Censures of the Church, or by Distress or otherwise, by their Discretion levy and receive all such Sums of Money as shall be taxed as aforesaid, upon any Spiritual Dignity within their Diocese; and no *Replevin*, *Prohibition* or *Supersedeas* upon any *Excommunication*, nor any other Writ, shall be sued or obeyed for any Persons making Default of Payment of such Portion as they shall be taxed at, till they have truly satisfied the same.

7 During the Vacancy of any Archbishoprick or Bishoprick, then the Dean and Chapter of the Cathedral Church, or the Prior and Convent, or the Chapter and Convent of the Monastery, or Cathedral Church where the See is vacant, during such Vacancy, their Executors, Administrators and Possessors, shall be chargeable to do every thing for the due Execution of this Act, within such Diocese as the same Archbishop or Bishop of such See being void, should have done; according as it is limited by this Act.

8 After any Sum of Money is once due by any Incumbent, and Demand made by the Archbishop or Bishop, or such as shall be charged with the Collection of any part of the said Pension; or by their Ministers, Servants, or Officers, to pay such Portion thereof as they shall be taxed, be not paid at the Time of such Demand, or within 40 Days next after; then every Incumbent making such Default of Payment, and Certificate made thereof into the *Exchequer* in Writing, under the Seals of any Archbishop, Bishop,

Dyer. 116. a.
237. a.
Moor 541.
915. Cro. El.
80.

Bishop, or such as be charged with the Collection thereof, were to be adjudged deprived *ipso facto* of all such Dignities, &c. Spiritual, as he should have at the Time of such Certificate made, or any time after, so that the same was to be clearly void as if he had been dead. But this Deprivation is by the Statute of the 15 Car. 1. remitted, and another Penalty limited instead thereof: See here afterwards, *f.* 17.

Upon such Certificate as aforesaid, made into the *Exchequer*, before the said First of April, or at any Time within 24 Days after the said first of April; then every such Archbishop, Bishop, and every other Person, having the Charge for Collection and Payment of the said Pension, shall be discharged for such Sum: And in every such Case the Treasurer, and Barons of the *Exchequer* shall send such Process against every such Incumbent (against whom any such Certificate shall be made) and their Executors and Administrators; or for Insufficiency against the Successors of every such Incumbent, as that the King may be truly answered, and paid the same Arrear.

Acquittances made by the Kings Under-Treasurer and Receiver-General of this Land, or by such Commissioners as shall be appointed to receive the same Pension as aforesaid, and subscribed with their Names, shall be as good a Discharge to such as collect the same, as if made in the King's own Name, under his Great Seal; and shall be allowed in all Courts of this Land. And the Treasurer and Barons of the *Exchequer* shall allow such Acquittances, and all such Certificates as shall be made as aforesaid, without any Writ, Bill or Warrant, to be sued out in that behalf. And no Officer of the *Exchequer* shall take of any Archbishop or Bishop, or of any other

other Person having charge of the Collection, and Payment of the said Pension, any Reward or Thing for making their Accompt or *Quietus* in the *Exchequer* concerning the same, upon pain to forfeit his Office, and make Fine at the King's Will and Pleasure.

- 11 Every Incumbent charged with the Payment of any Pension to any of his Predecessors, or to any to his Use, shall retain and keep in his Hands the twentieth Part of every such Pension; and he and his Sureties shall be discharged for the same, any Decree, Ordinance or Assignment, or any Writings or Surety made for such Pension in any wise notwithstanding: And he and his Sureties shall plead this Act in every of the King's Courts, for the Discharge of the twentieth Part of every such Pension.
- 12 Every Person appointed to have any Spiritual Promotion within this Land, chargeable for the First-Fruits of the same, shall at their Composition, or Entry into Specialty for the Payment thereof, have Allowance and Deduction of the said twentieth Part of the Whole, out of the Sum to be paid for the First-Fruits thereof, according to the Taxation of the twentieth Part of every such Promotion Spiritual.
- 13 All Farmers and Lessees of any Profits belonging to any Promotion Spiritual, whereof any First-Fruits or yearly Pension of the twentieth Part is granted to the King, are discharged of the Payment thereof, notwithstanding any Covenant, Bond or Clause to the contrary; and the Lessors and Owners, and their Successors, made chargeable with the Payment of the same.
- 14 The Dean, Chaunter and Treasurer, and Archdeacon of the Cathedral Church of St. Patrick's besides *Dublin*; and every other Person

Twentieth Part.

and Persons having any Dignities, Prebend, or any other Promotion Spiritual, within the said Cathedral Church, whatsoever it be, are by this Act, in Consideration of their Payment of First-Fruits, and Pension of twentieth Part of their Promotions Spiritual, discharged from going or sending to any Hoyfing, Rode, Voyage, or Journey, at any time to be had or assigned within this Land, for or in Consideration of their Promotions Spiritual within the said Cathedral Church, whatsoever they be; so that they shall not forfeit any thing for their Default herein. And if they, or any of them, be amerced by reason thereof, and the Sheriff, or any other, will distrain for the same, the Offender shall forfeit for every such time ten Pounds; one Half to the King, and the other to the Party grieved, that will sue for the same by Action of Debt, &c. wherein no Effoin, &c. shall be allowed.

Two Days of payment for the twentieth Part¹⁵ is granted to the Clergy by the last Proviso of this Act, viz. One Moiety at the Feast of *Easter*, and the other Moiety at the Feast of *St. Michael* the Archangel, yearly by even Portions.

15 **Car. 1. Cap. 12.** Enacted that the O-¹⁶mission of Non-payment of the twentieth part aforementioned, *ſ. 8.* shall be no Deprivation nor cause of Forfeiture, or Deprivation of any such Incumbent, but that every such Incumbent so failing in his payment, shall forfeit to the King for his Omission, as *nomine penæ*, the treble Value of such twentieth part as he ought to have paid, and failed in the payment thereof.

2 **Geo. 1. c. 15. pars.** The Letters Patents¹⁷ from the late Queen *Anne*, dated the 7th of February,

February, in the tenth Year of her Reign, releasing the twentieth Parts, payable by the Clergy of this Kingdom and their Successors, for their Ecclesiastical Benefices and Dignities Spiritual, are hereby confirmed, notwithstanding any Informality or other Defect in the same, or in the passing or obtaining thereof; and all Ecclesiastical Persons shall be for ever hereafter excused and discharged of and from payment of twentieth Parts, according to the true Intent and Meaning of the said Letters Patents.

Tythes.

- 1 *Pro Clero* 7. 18 *Ed.* 3. *En.* No *Scire facias* shall be awarded to warn a Clerk to answer for his Tythes before any secular Judge; saving to him his Right.
- 2 *1 Ric.* 2. 14. *En.* Where, in an Action of Goods carried away, the Defendant maketh his Title for Goods due to his Church, in such case the Plaintiffs general Averment shall be taken, without shewing specially how the same were his Laychattel.
- 3 *5 Hen.* 4. 11. *En.* The Farmers of Aliens shall pay Tythes to the Parsons and Vicars of the Parishes where the Lands in Farm do lye, notwithstanding they be seized into the King's Hands, or any Prohibition made to the contrary.
- 4 *33 Hen.* 8. *sess.* 1. *cap.* 12. All Persons of this Land shall truly divide, set out, or pay, all Tythes and Offerings, according to the lawful Customs and Usages of the Parishes and places where they shall grow, arise, or become due.

If any Persons detain any Tythes. or Offer-
ings, the Party being Ecclesiastical or Lay
Person, having cause to demand or have them,
may convene the Detainer of them before the
Ordinary, his Commissary, or other lawful
Judge of the place, according to the Ecclesi-
astical Laws; who having the Parties or their
lawful Procurators before him, hath power to
hear and determine the Matter in question, or-
dinarily or summarily according to the course
of the Ecclesiastical Laws, and thereupon may
give Sentence accordingly.

In case any of the Parties for any Cause con-
cerning the Sute, do appeal from the Sentence
of the Judge aforesaid, then he shall adjudge to
the other Party, the reasonable Costs of his
Sute therein before expended; and compel the
Appellant to satisfy them, by compulsory Pro-
cess and Censures Ecclesiastical, taking Surety
of the other Party, to whom Costs shall be ad-
judged and paid, to restore the Costs to the Ap-
pellant in case the principal Cause pass against
him, to whom the said Costs shall be yielded.
And likewise every Ecclesiastical Judge shall ad-
judge Costs to the other Party upon the Appeal
to be made in any such Sute.

If any Person after such definitive Sentence
given, wilfully refuse to pay the Tythes, or such
Sums of Money so adjudged, then two Justices
of the Peace (*Quor. unus*) shall upon Informa-
tion, or Certificate to them made in Writing,
from the said Judge Ecclesiastical, commit the
Party so refusing to the next Goal, there to re-
main without Bail, until he have found Sureties
to be bound by Recognizance to the King, to
perform the said Sentence and Judgment.

Provided that none shall be sued or com-
pelled to pay Tythes for Lands, &c. which by
the

the Laws or Statutes of this Land are discharged, and not chargeable with the payment of any Tythes.

9 In all Cases where any Person who hath an Estate of Inheritance, Freehold, Term, Right, or Interest in any Parsonage, Vicarage, Portion, Pension, Tythes, Oblations, or other Ecclesiastical and Spiritual Profits, which now be, or hereafter shall be made Temporal, or admitted to be and abide in Temporal Hands, or Lay Uses or Profits, by the Laws or Statutes of this Land, shall happen hereafter to be disseised or outed, of or concerning the same, by any other claiming or pretending to have any Title thereunto: The Persons so disseised or outed, their Heirs, Wives, or such other to whom such Wrong is done, shall have their Remedy in the King's Temporal Courts, or in other Courts, (as the Case shall require) for recovering their Right by Writs of *Præcipe quod reddat*, *Assise of Novel disseisin*, *Mortdauncestor*, *quod ei desorreat*, Writs of Dower, or other original Writs (as the Case shall require;) in like manner as for Lands, &c. in such manner to be demanded.

¹¹ Co. 25. b.
Cro.Car. 301.

10 Also Writs of Covenant, and other Writs for Fines to be levied, and other Assurances to be had and made of any such Parsonage, Vicarage, &c. shall be devised and granted in the said Chancery according as hath been used for Fines to be levied, and Assurances to be had and made of Lands, Tenements, &c. And that all Judgments to be given upon any such Writs so to be devised; and all Fines to be levied for any the Premisses, shall be of like Force in the Law, as Judgments given, and Fines levied of Lands, Tenements, &c. in the same Courts upon Writs Original duly pursued, albeit no

such Writs Original in the Cases aforesaid have been awarded.

Provided that remedy shall be had against such Persons as refuse or deny to set out their Tythes, or to pay their Tythes or Offerings, by the parties, whether Ecclesiastical or Lay person, having Cause to demand or have the same, in the Spiritual Courts, and not in the Temporal Courts, as above in this Act is mentioned.

7 W. 3. c. 6. 1 Geo. 2. c. 12. All Tythes, where the same do not amount to above 40 s. *per Annum* from any one person, and all Compositions and Agreements for the same, with all Offerings and other Ecclesiastical Dues of like Value, shall be truly set out and paid to the several persons to whom they are payable in their Parishes, according to the Rates, Customs and Prescriptions used within the said Parishes.

If any person shall substract or fail in payment of such Tythes, &c. for 20 Days at most after demand, the person to whom the same shall be due, may make his Complaint in Writing to two or more Justices of Peace of that County, City, &c. where they shall grow due, who shall summon in Writing under Hand and Seal, by giving four Days Notice at least, every such person against whom any such Complaint shall be made, and after Appearance or on Default thereof, the Summons being proved before them on Oath, the said Justices or any two or more of them, shall proceed to hear and determine the said Complaint; and upon proof before them, shall in Writing under Hand and Seal adjudge the Case, and give such Allowance and Compensation for such Tythes, &c. so substracted, as they shall judge reasonable; and also all such Costs, not exceeding 10 s. as shall appear fit.

Provided

- 14 Provided no Justice shall have Authority to hear and determine any the Matters aforesaid, who shall not have an Estate of Freehold in Lands, Tenements or Hereditaments within this Kingdom, of the yearly Value of 100*l.* except the several Justices in Counties of Cities or Towns, who may proceed in the Execution of this Act within their Jurisdictions, notwithstanding such Justices shall not have such Estate of Freehold.
- 15 Provided no Justice shall be qualified to hear and determine any the Matters aforesaid, who shall not be resident in the County, &c. where the Tythes, &c. shall arise, or who shall be Patron of the Church or Chappel, in Right of which the said Tythes, &c. shall be demanded, or who shall be any ways interested in such Tythes, &c. or who shall be a Clergyman in holy Orders.
- 16 If any Person shall refuse or neglect for ten Days after Notice, to pay or satisfy any such Sum of Money, as upon such Complaint shall by two or more Justices be adjudged, the Constables and Church-wardens of the said Parish, or one of them, shall by Warrant from the said Justices to them directed, distrain the Goods and Chattles of the Party so refusing or neglecting, and after detaining them three Days, in case the said Sum so adjudged with reasonable Charges for making and detaining the said Distress, be not tendred or paid by the Party in the mean time, may make publick Sale of the same, and pay to the Party complaining, so much of the Money arising by such Sale, as may satisfy the Sum adjudged, retaining reasonable Charges for making and keeping the Distress as the Justices shall think fit, rendering the Overplus.
- 17 Provided all Justices of Peace, in Examination of all the Matters aforesaid, may administer

Oaths to Witnesses, where the same shall be necessary.

Provided no Complaint concerning any such Tythes, &c. shall be heard and determined by any Justices of Peace by virtue hereof, unless Complaint be made within two Years next after the Times the said Tythes, &c. became due or payable.

Any Person finding himself aggrieved by any Judgment given by any two Justices, may appeal to the next Quarter-Sessions held for that County, &c. and the Justices there present, shall proceed finally to hear and determine the Matter, and reverse the Judgment if they see Cause; and if the said Justices shall confirm the Judgment given by the two first Justices, they shall decree the same by Order of Sessions, and shall give such Costs against the Appellant, to be levied by Distress and Sale of the Goods and Chattles of the Appellant, as to them shall seem reasonable; and no Judgment had by virtue of this Act, shall be removed or superseded by any Writ of *Certiorari* or other Writ out of any Court whatsoever, unless the Title of such Tythes, &c. shall be in question.

Provided where any Person complained of for subtracting any such Tythes, &c. shall before the Justices to whom Complaint is made, insist upon any Prescription, Composition or *Modus Decimandi*, or Title whereby he ought to be freed from Payment of the Tythes, &c. in question, and deliver the same in Writing to the said Justices subscribed by him, and shall then give to the Party complaining, sufficient Security to the Satisfaction of the Justices, to pay all such Costs and Damages as upon a Tryal at Law, had in any Court having Cognizance of that Matter, shall be given against him, in case

case the said Prescription, shall not upon the Tryal be allowed, in that Case the said Justices shall forbear to give any Judgment in the Matter, and the Person complaining, may prosecute such Person for the said Substraction in any other Court whatsoever, where he might have sued before the making of this Act.

21 Every Person who shall obtain any Judgment, or against whom any Judgment shall be obtained, before any Justices out of Sessions for such Tythes, &c. may cause the said Judgment to be enrolled at the next Quarter-Sessions held for the County, &c. and the Clerk of the Peace upon tender thereof, shall enrol the same, for which he may receive a Fee not exceeding one Shilling, and the Judgment so enrolled, and Satisfaction made by paying the Sum adjudged, shall be a good Bar to conclude the said Persons from any other Remedy for the said Tythes, &c. for which the said Judgment was obtained.

22 If any Person against whom any such Judgment shall be had, shall remove out of the County, &c. after Judgment had, and before the levying the Sum adjudged, the Justices who made the said Judgment, or one of them, shall certify the same under Hand and Seal to any Justice of Peace of such other County, &c. wherein the said Person shall inhabit, which said Justice, by Warrant directed to the Constables or Church-wardens of the Place, may levy the Sum so adjudged to be levied upon the Goods and Chattles of such Person, as fully as the other Justices might have done if he had not removed, according to the said Judgment.

23 No Person shall have Remedy by this Act to recover such Tythes, &c. which became due before the making this Act, unless Complaint be made to the Justices in Form aforesaid, before the 24th of June, 1728.

The

The Justices who shall determine any Matters ²⁴ aforesaid, may give Costs not exceeding 10 s. to the Party prosecuted, if they find the Complaint to be false, which Costs shall be levied in manner aforesaid.

Provided, if any Person shall be sued for any ²⁵ thing done in Execution of this Act, and the Plaintiff shall discontinue or be nonsuit, or a Verdict pass against him, such Person shall recover double Costs.

Provided, that any Person who shall begin ²⁶ any Suit for Recovery of such Tythes, &c. in the *Exchequer*, or any ecclesiastical Court, shall have no Benefit by this Act for the same Matter for which he hath so sued.

Provided this Act shall continue in Force for three Years, and to the End of next Session of Parliament. By 13 Geo. 2. cap. 4. continued for 4 Years from 25th of March, 1740, and to the end of the then next Session.

§ Geo. 2. c. 6. pars. The said Stat. of 1 Geo. ²⁷ 2. c. 12. is hereby continued for two Years, and from thence to the End of next Session, subject to the following Provisoos, viz. That such Distress as shall be taken by Virtue of the said Act, shall be of such Goods and Chattels as shall be nearest to the Sum awarded by the Judgment, and can conveniently be found or taken at the time of taking such Distress, and if Sale thereof be made, it shall be upon the Oath of Appraisers sworn and nominated by the said Justices.

No Clerk or other Person making such Com- ²⁸ plaint, that shall have had a Hearing, and Judgment thereupon, as the said Act directs, shall, for the same Matter complained of, commence any Suit in the *Exchequer*, or in any Ecclesiastical Court.

Where

- 29 Where the Value of the Tythes, or other Ecclesiastical Dues demanded does not exceed five Shillings, one Justice of the Peace qualified according to said Act, may determine the same, as two Justices may determine such Controversies by the said Act.

By 7 Geo. 2. c. 7. the Stat. 1 G. 2. c. 12. and 5 G. 2. c. 6. and the Clauses in 5 G. so far as they relate to the more easy recovery of Tythes and other Ecclesiastical Dues of small Value, are continued to the 25th of March, 1740, and to the End of next Session.

- 30 5 Geo. 2. c. 9. pars. All barren Heath, and moory Ground, Mountain, Bog, Mofs, and Land taken in from the Sea, or any Lough, or River, which by Drains, Banks, Walls or Dykes, shall be converted into Arable or Meadow Land, shall be discharged from payment of Tythes, for any Hemp, Flax, or Rape growing thereon, for seven Years after such Improvement.

- 31 Provided, no Land shall be so discharged, which at any Time before such Improvement ever paid Tythes for any Corn, Hay, Hemp, Flax, Rape or Potatoes.

- 32 Nor any Land be discharged from paying for Tythes thereof, such Sums as it paid, for any one of the preceding seven Years.

Vacation of Bishopricks.

- 1 *Magna Charta, 33. 9. Hen. 3. En.* Patrons of Abbeys shall have the Custody of them in time of Vacation.

- 2 *Pro Clero. 4. 14 Ed. 3. En.* Escheators shall preserve from Waste and Destruction the Possessions of Archbishopricks, Bishopricks, and other Prelacies, during their Vacations, and the Chancellor and Treasurer shall demise them to the Dean and Chapter, or Prior and Convent, before any other,

Vacation of Bishopricks.

other, at a reasonable Rate, without Fine; but if they will not take them, then shall the said Chancellor and Treasurer cause them to be preserved by the said Escheators, or others, and the reasonable profits thereof to be answered to the King.

Pro Clero, 5. 14 **Ed.** 3. *En.* This Chapter is also for demising them to the Dean and Chapter, or Prior and Convent, at as reasonable Rate, and without Fine, as before, and that the Escheator, or other Minister, shall not enter or molest them.

Vicarages.

33 **Hen.** 8. *Sess.* 1. *Cap.* 14. Commissioners appointed by the King, enabled, to ordain and incorporate, one Vicarage of one Vicar in every Parish-church within this Land, appropriated unto the late Hospital of St. *John's Jerusalem*, within this Land, or to other Monasteries, Religious Houses and Hospitals now dissolved, which shall have Succession in every of the same Vicarages, as Vicar in him and his Successors for ever.

The Lord Deputy to present an able person, in the King's Name to the Ordinary, within whose Diocese the said Church does stand, to be Vicar of every the said Churches, who after Admission, Institution and Induction, shall be taken to be Vicar of the said Church, and may implead or be impleaded as Vicar thereof to all purposes, as other Vicars of this Land, do or may do by Law.

The Commissioners aforesaid, or any 9. 8. 7. 3 or 6. of them, may assign unto every such Vicar, such Mansions, Portions of Tythes, Altarages and Oblations, and the Possessions coming to the King, by the Dissolution of the same Religious

ligious Houses, for the Maintenance of Divine Service, and keeping of good Hospitality within their said Parishes, as by the said Commissioners shall be thought necessary and convenient. And after Certificate thereof, into the *Chancery* under their Seals, the Lord Chancellor, by the King's Letters Patents, under the Great Seal of this Land and in the King's Name, then to grant and endow the said Vicars, with the same Houses, &c. to be paid by him and his Successors in pure Alms for ever; paying and reserving unto the King his Heirs and Successors yearly, the 20th part of every such Vicarage; and the First Fruits, at and upon every presentation of every such Vicar, in such manner as other Vicars within this Land, be bound by the Laws and Statutes of this Realm.

- 4 Provided that the yearly Value of every such Mansion, Portion of Tythes, &c. so to be assigned to any such Vicar, at the time of such Assignment, do not exceed the yearly value of 13 pounds 6 shillings and 8 pence *Irish*.
- 5 The Right and Title of all others (other than the King, his Heirs and Successors) to any such the said Mansions, &c. is saved by this Act.
- 6 After the first Establishment of every such Vicarage, and after the Admission and Institution of every such Vicar or Vicars in the same, the King, his Heirs and Successors, shall have the Advowson and Presentation thereof, to him, his Heirs and Successors for ever.

Uniformity.

- 1 2 *El. c. 2.* Every Minister in all Cathedral ^{1 *El. c. 2. Es.*} or Parish-churches, or other places within this Realm, shall use and say the Mattins, Evening-Song, celebration of the Lord's Supper, and Administration of each of the Sacraments, and all

all their common and open prayer, in such Order and Form as is mentioned in the Book of Common-Prayer, established by the Statute of the 5 & 6 E. 6. together with the Addition of certain Lessons to be used on every *Sunday* in the Year, and the Form of the Litany, altered and corrected, and two Sentences only added in the Delivery of the Sacrament to Communicants.

Godb. 118.

Moor. 228.

If any Vicar or other Minister, that ought to use the same Common-Prayer, or administer the Sacraments, in any Cathedral or Parish-church, or other Places, as he should use to minister the same, refuse to use the same accordingly, or shall wilfully use any other Rite, Ceremony, Form, &c. than as is set forth in the said Book, or shall preach, declare or speak any thing in derogation of the said Book (and being convicted thereof by the Verdict of 12 Men, his own Confession, or notorious Evidence of the Fact) he shall lose to the Queen, her Heirs and Successors, for the first Offence, one whole Year's profit of all his Spiritual Promotions, and suffer six Months Imprisonment without Bail; for the second Offence, shall suffer one whole Year's Imprisonment, and be deprived *Ipso facto*, of all his Spiritual Promotions; and every Patron or Donor, may present or collate to them as though he were dead; and for the third Offence, to be deprived as aforesaid, and suffer Imprisonment during Life. And if he be not beneficed, then for the first Offence (after Conviction) to suffer one whole Year's Imprisonment without Bail; and for the second Offence, to be imprisoned during Life.

¹ *Roll.* 93.

² *Buls.* 53.

If any shall be convicted to have, by Inter-³ ludes, Plays, Songs, Rhymes, or otherwise, to have depraved the said Book, or to have compelled or procured any Parson, Vicar or other Minister, to sing or say any other Church Service, or any other Form, than as aforesaid; or by any means

means to have interrupted, or let any Parson, Vicar or other Minister to sing, or say the said Service, or to minister the Sacraments, or any of them, they shall for the first Offence (being convicted in Form aforesaid) forfeit to the Queen, her Heirs and Successors, 100 Marks; and that not paid within 6 Weeks after Conviction, suffer, instead thereof, 6 Months Imprisonment without Bail; for the second time offending 400 Marks, and that not paid within 6 Weeks, &c. to suffer Imprisonment for 12 Months without Bail; and for the third Offence, to forfeit all his Goods and Chattles, and be imprisoned during his Life.

4 All Persons having no reasonable Excuse to be absent, shall resort to their Parish-church or Chapel, or (upon reasonable Let) to some usual place, where Common-Prayer and such Service of God shall be used, upon every *Sunday*, and Holy-day, and there abide orderly and soberly, during the time of Common-Prayer, preaching or other Service of God, in pain to be punished by the Censures of the Church; and also upon pain of 12 *d.* for every person so offending every time, to be levied by the Church-wardens of the Parish where the Offence is committed, of the Goods, Lands and Tenements of the Offender, by way of Distress, to the Use of the Poor of the same Parish. 11 Co. 56. Hob. 97.1. Roll. 89.

5 All Archbishops, Bishops and other Ordinaries, are requested to put this Act in Execution, through their Dioceses; and they and all other their Officers, exercising Ecclesiastical Jurisdiction, are empowered to reform, correct and punish, by Censures of the Church, all persons that shall offend within any of their Jurisdictions or Dioceses.

6 Justices of the peace, of Goal-delivery, Oyer and Terminer, or Justices of Assize, have power to hear and determine these Offences, in their
general

general and open Sessions, within the Limits of their Commissions, and to make Process for the Execution thereof, as they may do against any being indicted before them of Trespass or lawfully convicted thereof. And every Archbishop, and Bishop, within his Diocese, may join and associate himself at his pleasure, with the said Justices, at the inquiry, hearing and determining of the Offences aforesaid.

None to be questioned for any Offence against 7 this Act, unless they be thereof indicted at the next general Sessions, to be holden before any such Justices, as aforesaid, next after the Offence committed.

Lords of Parliament, for the third Offence a-8 bove mentioned, shall be tryed by their Peers, before such Peers (of *English* Blood) of this Realm, as the Lord Deputy or other Governor or Governors of this Realm shall commissionate under the Broad Seal.

The Mayor of *Dublin*, and all other Head Officers of Corporations, within this Realm, to which Justices of the Peace or of Goal-delivery, or Assize, do not commonly come, shall have power to hear and determine the Offences aforesaid yearly, within 15 Days after *Easter* and *Michaelmas*, in like manner as the said other Justices may do.

Also all Archbishops, Bishops, and every of 10 their Chancellors, Commissaries, Arch-deacons, and other Ordinaries having any peculiar Ecclesiastical Jurisdiction, shall have power to enquire in their Visitations, Synods and elsewhere, within their Jurisdictions, of the Offences above-mentioned; and to punish the Offenders, by Admonition, Excommunication, Sequestration or Deprivation, and other Censures and Processes of the Church, as heretofore hath been used in like Cases by the Ecclesiastical Laws; howbeit none shall

shall be punished twice for one Offence, viz. both by the Ordinary and the Justices.

- 11 Such Ornaments of the Church, and of the Ministers thereof, shall be retained and be in use, as was in the Church of *England*, by the Statute of 2 & 3 *Ed. 6. c. 1.* until the Queen shall take other Order, by the Advice of her Commissioners, to be appointed under the Great Seal of *England* or of this Realm, for Causes Ecclesiastical, or by the Lord Deputy, or other Governor or Governors of this Realm, with the Advice of the Council, under the Great Seal thereof. And if there shall happen any Contempt or Irreverence to be used in the Ceremonies or Rites of the Church, by mis-using the Ceremonies appointed in the Book of Common-Prayer, the Queen, by like Advice of her Commissioners or the Lord Deputy, &c. with like Advice of the Council, may ordain such further Ceremonies or Rites as may be most for God's Glory, the edifying of his Church, and the due Reverence of Christ's Holy Mysteries and Sacraments.
- 12 All other Laws, Statutes and Ordinances, wherein or whereby any other Services are limited to be used within this Realm shall be void.
- 13 In every Church or Place within this Realm, where the Common Minister or Priest hath not the Use or Knowledge of the *English* Tongue, it shall be lawful for him to say and use the Mattins, Evening Song, Celebration of the Lord's Supper, and Administration of each of the Sacraments, and all their Common and Open Prayer, in the *Latin* Tongue, in such Order and Form as they be mentioned and set forth in the said Book, established by this Act, and according to the Tenor of this Act, and in no other manner.
- 14 17 & 18 *Car. 2. sess. 5. c. 6.* All Ministers ^{13 & 14 *Car. 25*} in any Cathedral, Collegiate or Parish-church, ^{c. 4. *En.*} or Chappel or other place of publick Worship, within

within this Realm, shall be bound to say and use the Morning Prayer, Evening Prayer, Celebration and Administration of both the Sacraments, and all other the publick and Common Prayer, in such Order and Form as is mentioned in the said Book, annexed and joined to this present Act, and intituled, *The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of Ireland, together with the Psalter or Psalms of David, pointed as they are to be sung and said in Churches; and the Form and Manner of making, ordaining and consecrating of Bishops, Priests and Deacons.* And that the Morning and Evening Prayers therein contained, shall, upon every Lord's Day, and upon all other Days and Occasions, and at the times therein appointed, be openly and solemnly read by all and every Minister and Curate, in every Church, Chappel or other Place of publick Worship, within this Realm.

A Clause, that every Parson, Vicar or other Minister, then enjoying any Ecclesiastical Promotion, should upon some Lord's Day before the 25th of *March*, 1667. openly read the Morning and Evening Prayers, &c. and declare his Assent, &c. or else to be *ipso facto* deprived.

And every Person who shall be presented or collated, or put into any Ecclesiastical Benefice or Promotion within this Kingdom, shall, in the Church, Chappel or Place of publick Worship belonging to the said Benefice, &c. within 2 Months next after he shall be in the actual possession thereof, upon some Lord's Day, openly, publickly and solemnly read the Morning and Evening Prayers, appointed to be read by and according to the said Book of Common Prayer, at the times thereby appointed; and after such Reading thereof shall, openly and publickly, before

before the Congregation there assembled, declare his unfeigned Assent and Consent to the Use of all Things therein contained and prescribed, in these Words and no others:

I A. B. do hereby declare my unfeigned Assent and Consent to all and every thing contained and prescribed in and by the Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of Ireland; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons.

17 And all and every such Persons who shall (without some lawful Impediment, to be allowed and approved by the Ordinary of the place) neglect or refuse to do the same, within the Time aforesaid, or (in case of such Impediment) within one Month after such Impediment removed, shall *ipso facto* be deprived of his said Ecclesiastical Benefits, &c. and that, from thenceforth, it shall be lawful for all Patrons and Donors of the same, to present or collate thereunto, as tho^t the Persons so offending or neglecting were dead.

18 In all places where the proper Incumbent of any Parsonage or Vicarage, or Benefice with Cure, doth reside on his Living, and keeps a Curate, the Incumbent himself in person (not having some lawful Impediment, to be allowed by the Ordinary of the place) shall once, at the least, in every Month, openly and publickly read the Common Prayer and Service in and by the said Book prescribed; and, if there be occasion, administer each of the Sacraments and other Rites of the Church, in the Parish-church

Uniformity.

or Chappel of or belonging to the said Parsonage, &c. in such Order as by the said Book is appointed, upon pain to forfeit 5 *l.* to the Use of the Poor of the Parish, for every Offence, upon Conviction, by Confession or Proof of two credible Witnesses upon Oath, before two Justices of the County, City, or Town corporate, where the Offence shall be committed, (which Oath they may administer) and in default of Payment within ten Days, to be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant of the said Justices, by the Church-wardens or Overseers of the Poor of the said Parish, rendring the Overplus to the Party offending.

And every Dean, and other Dignitary, Canon, Prebendary and Warden, of every Cathedral or Collegiate Church; and all Ministers, and other Heads, Fellows, Chaplains or Tutors, in any College, Hall, House of Learning or Hospital; and every publick Professor and Reader, in any Universities, College or Colleges, which shall be within this Realm; and every Parson, Vicar, Curate, Lecturer, and every other Parson in Holy Orders, and every School-master keeping any publick or private School, and every Person instructing and teaching any Youth in any House or private Family, as a Tutor or School-master, which at any time shall be Incumbent, or have possession of any the said Preferments; shall, at or before his or their respective Admissions to be Incumbent, or have possession of any the Dignities, &c. aforesaid, subscribe the Declaration or Acknowledgment following, *scilicet*:

This Declaration taken away by 4 Geo. I. c. 3.

I A. B. do declare, That it is not lawful, upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that traitorous Position,

filion, of taking Arms by His Authority against His Person, or against those that are commissioned by him; and that I will conform to the Liturgy of the Church of Ireland, as it is now by Law established.

- 20 Which said Declaration and Acknowledgment shall be subscribed by every of the said Masters, and other Heads, Fellows, &c. which are or shall be within this Kingdom, before the Vice-chancellor, or Visitor or Visitors thereof, or his or their Deputies; and before the respective Archbishop, Bishop, or Ordinary of the Diocese, by every other Person hereby enjoined to subscribe the same; upon pain that all and every the Persons aforesaid, failing herein, shall lose and forfeit such his respective Deanry, Dignity, &c. and shall be utterly disabled, and be *ipso facto* deprived of the same, and the same to be void as if he were naturally dead.
- 21 Every School-master, or other Person, instructing Youth in any private House or Family, as a Tutor or School-master, are required by the Act to take the Oath of Allegiance and Supremacy, to be administered by the Ordinary (but these Oaths now are abrogated and taken away, and others appointed to be taken in their steads.) And if any such School master, or other Person instructing Youth, shall instruct any Youth as a Tutor or School-master, before Licence obtained from his respective Archbishop, Bishop, or Ordinary of the Diocese, for which he shall pay 12 *d.* only; and before such Subscription and Acknowledgment made, and taking the Oaths as aforesaid, then every such School-master, &c. shall, for the first Offence, suffer three Months Imprisonment, without Bail or Mainprize; and, for every second and other Offence, suffer three Months Imprisonment,
- Z ; without

without Bail or Mainprize, and forfeit 5*l.* to the King.

After such Subscription made, every Parson, 22 Vicar, Curate and Lecturer, shall procure a Certificate under the Hand and Seal of the respective Archbishop, Bishop, or Ordinary of the Diocese (who are enjoined, upon Demand, to make and deliver the same) and shall publicly and openly read the same, together with the Declaration or Acknowledgment aforesaid, upon some Lord's Day, within three Months then next following, in his Parish-church where he is to officiate, in the presence of the Congregation there assembled, in the time of divine Service, upon pain to lose such Parsonage, Vicarage, &c. and be disabled, and *ipso facto* deprived thereof, and the same to be void as if he were naturally dead.

After the 25th of *March*, 1682. those Words 23 in the Declaration [*which see in the Statute at large*] about the Solemn League and Covenant, are to be left out, and none to be obliged to read that part.

A Proviso, that, after the 29th of *September*, 24 1667. no Person then Incumbent, and in Possession of any Parsonage, Vicarage or Benefice, and not in Holy Orders by Episcopal Ordination [or not before the said Day ordained Priest or Deacon, according to the Form of Episcopal Ordination] should have, hold or enjoy the same, or other Ecclesiastical Promotion within this Kingdom, but be disabled, and *ipso facto* deprived thereof, and the same to be void as if he were naturally dead.

No Person whatsoever shall be capable to be 25 admitted to any Parsonage, Vicarage, Benefice, Promotion or Dignity whatsoever; nor shall presume to consecrate and administer the Holy Sacrament of the Lord's Supper, before he be ordained

ordained Priest according to the Form in and by the said Book prescribed; upon pain to forfeit for every Offence 100 s. one Moiety to the King, and the other Moiety to be equally divided between the Poor of the Parish where the Offence is committed, and such as will sue for the same in any of the King's Courts of Record, by Action of Debt, &c. wherein no Essoign, &c. shall be allowed; and to be disabled from taking, or being admitted unto the Order of Priest, by the Space of one whole Year then next following.

26 No Title to present or confer by Lapse, shall *Dyer. 369. b.* accrue by any Avoidance or Deprivation *ipso facto* by virtue of this Act; but after 6 Months Notice thereof given by the Ordinary to the Patron, or such Sentence of Deprivation openly and publickly read in the Parish-church, of the Benefice, Parsonage, or Vicarage becoming void.

27 No Form or Order of Common Prayers, &c. shall be openly used in any Church, Chappel, or other publick place in any College or Hall, in any University, College or Colleges within this Realm, or any of them, other than what is appointed to be used by the said Book. And the then present Governor or Head of every College and Hall, &c. within one Month after the 29th of *September, 1667.* And every Governor or Head of any of the said Colleges or Halls hereafter to be elected or appointed, within one Month next after his Election, or Collation and Admission into the same Government or Headship, shall openly and publickly in the Church, Chappel, or other publick place of the same College or Hall, and in the presence of the Fellows and Scholars of the same, or the greater part of them then resident, subscribe the

39 Articles of Religion, agreed upon by the Archbishops and Bishops, and the whole Clergy, in the Convocation holden at *London* in the Year of our Lord 1562. and unto the said Book; and declare his unfeigned Assent and Consent unto, and Approbation of the same, and of the same Book; and to the Use of all the Prayers, Rites, &c. in the said Book contained, according to the Form aforesaid: And that all such Governors, &c. as shall be in Holy Orders, shall, once at least in every Quarter of a Year (not having a lawful Impediment) openly and publickly read the Morning Prayer and Service appointed by the said Book to be read in the Church, Chappel, or other publick place of the said College or Hall, upon pain to be suspended from all the Profits and Benefits belonging to the same Government or Headship, by the Space of 6 Months, by the Visitor or Visitors of the same College or Hall. And if any Governor, &c. suspended for not subscribing unto the Articles and Book, or for not reading of the Morning Prayer and Service aforesaid, shall not, before the end of 6 Months next after such Suspension, subscribe his Consent, and read as aforesaid, such Government or Headship shall be *ipso facto* void; provided that the Penalties in this Act shall not extend to the Foreigners, or Aliens, of the foreign reformed Churches, to be allowed by the King, his Heirs and Successors in this Kingdom.

It shall be lawful to use the Morning and 28 Evening Prayer, and all other Prayers and Services, prescribed in the said Book, in the Chapels, or other publick places of any Colleges, Halls, or Universities, within this Kingdom, and in the Convocation of the Clergy, in Latin.

29 No Person shall be received as Lecturer, or allowed to preach or read any Sermon or Lecture as Lecturer, in any Church or Chappel, or other place of publick Worship, within this Realm, unless he be first approved, and thereunto licensed by the Archbishop of the Province, or Bishop of the Diocess; or in case the See be void, by the Guardian of the Spiritualities under his Seal; and shall in their Presence read the 39 Articles of Religion above mentioned, and declare his unfeigned Assent to the same. And every Person who shall be licensed as Lecturer to preach upon any Day of the Week in any Church, &c. within this Realm, the first time he preacheth, before his Sermon, shall openly, publickly, and solemnly read the Common-Prayers and Services appointed by the said Book to be read for that time of the Day; and then, and there, openly declare his Assent unto, and Approbation of the said Book, and to the use of all the Prayers, &c. according to the Form before appointed by this Act: and also shall upon the first Lecture-day of every Month afterwards (so long as he continues Lecturer or Preacher there) at the place appointed for his Lecture or Sermon, before his said Lecture or Sermon, read as aforesaid, and declare his Assent in like manner as aforesaid; and upon Neglect or Refusal thereof, shall be from thenceforth disabled to preach the said or any other Lecture or Sermon, in the said or any other Church, &c. until such time as he shall openly, &c. perform the same.

30 If the Sermon or Lecture be to be preached or read in any Cathedral or Collegiate Church or Chappel, it shall be sufficient for the Lecturer openly at the time aforesaid, to declare his Assent and Consent to all Things contained in the said Book, according to the Form aforesaid.

And

And if any Person who is by this Act disabled to preach any Lecture or Sermon, shall during such time preach any Lecture or Sermon, the Persons so offending shall for every such Offence, suffer three Months imprisonment in the common Goal, without Bail or Mainprize; and any two Justices of the Peace of any County of this Kingdom, and the Mayor or other Magistrate of any City or Town Corporate within the same, upon Certificate from the Ordinary of the Place, made to him or them of the Offence committed, shall, and are required to commit the Person or Persons to the Goal of the same County, City, or Town Corporate accordingly.

Provided that at all times when any Sermon³² or Lecture is to be preached, the Common-Prayers and Service appointed by the said Book, to be read for that time of the Day, shall be openly, publickly, and solemnly read, by some Priest or Deacon, in the Church, &c. where the said Sermon or Lecture is to be preached; before the same be preached, and that the Lecturer then to preach shall be present at the reading thereof.

But this Act shall not extend to the Chappels³³ in the Universities, College or Colleges of this Realm, or any of them, when any Sermon or Lecture is preached or read in the said Chappels, or any of them, as the publick University Sermon or Lecture, but the same may be preached or read in such sort and manner as the same have been heretofore preached or read in the said University or College.

The Law and Statute of this Realm which³⁴ hath been formerly made, and is in Force for the Uniformity of Prayer and Administration of the Sacraments within this Realm, shall stand in full Force and Strength to all Intents and Purposes whatsoever, for the establishing and confirming
of

of the said Book, intituled, *The Book of Common Prayer, &c.* herein before mentioned, to be joined and annexed to this Act; and shall be applied, practised, and put in use for the punishing of all Offences contrary to the said Law, with relation to the Book aforesaid, and no other.

35 Enacted that in all those Prayers, Litanies, and Collects, which do any way relate to the King, Queen, Royal Progeny, or the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, the Name and Titles be altered and changed from time to time, and fitted to the then present Occasion, according to the Direction of lawful Authority.

36 Provided a true printed Copy of the said Book, Intituled, the *Book of Common Prayer, &c.* shall at the Cost and Charge of the Parishioners of every Parish Church and Chappelry, Cathedral Church, College, Collegiate Church, and Hall, be gotten before the 29th Day of September, 1667. upon pain of Forfeiture of 3 *l.* Sterling by the Month, for so long as they shall be then after unprovided thereof, by every Parish or Chappelry, &c. making Default therein, the said Forfeitures to be levied by the Church-Wardens, and employed for the Reparation of the Church, and Relief of the Poor.

37 The 36th Article of the 39 Articles, being in these Words following, viz. " That the Book
" of Consecration of Archbishops and Bishops,
" and ordaining of Priests and Deacons, lately
" set forth in the time of K. E. 6. and confirmed
" at the same time by Authority of Parliament, do contain all things necessary to such
" Consecration and Ordaining; neither hath
" it any thing that is of it self superstitious and
" ungodly. And therefore whosoever are consecrated

secrated or ordered according to the Rites of that Book, since the second Year of the aforesaid K. E. 6. unto this Time; or hereafter shall be consecrated or ordered according to the same Rights, we decree all such to be rightly Ordered, and lawfully Consecrated and Ordered.

Enacted that all Subscriptions to be had, or³⁸ made unto the said Articles by any Deacon, Priest, or ecclesiastical Person, or other Person whatsoever, who by this Act, or any other Law in Force, is required to subscribe to the said Articles, shall be taken to extend, and shall be applied for and touching the said 36th Article, unto the Book containing the Form and Manner of making, ordering and consecrating of Bishops, Priests and Deacons in this Act mentioned, in such Sort and Manner as the same did heretofore extend unto the Book set forth in the Time of King Ed. 6. mentioned in the said 36th Article.

Union.

10 E³ 11 Car. 1. sess. 4. c. 2. Where there are within one Parish both a Parson and a Vicar endowed, and in some Places more, in this Kingdom of *Ireland*, there it shall be lawful for the Bishop of the Diocess, and Metropolitan of that Province within which they are situate, by their Writing under their Archiepiscopal and Episcopal Seals, to unite and consolidate all such, being within one Parish (other than such Parsonages or Vicarages as are annexed to any Dean, Prebendary, or Dignity in any Cathedral Church) into one entire Parsonage or Rectory, or Benefice. But if at that Time they be full of Incumbents, then every of the said Incumbents may hold and retain to their own Use their respective Parsonages and Vicarages, and all the Profits thereof, so long as they live, and continue
lawful

lawful Incumbents thereof ; and upon the Death, Resignation or Deprivation of one or more of such Incumbents, then such Benefice to remain and accrue to the Survivors of such Incumbents, and after such Survivors, coming into one Hand, then to continue one whole and entire Rectory and Parsonage, or Benefice, according to the Union and Consolidation as aforesaid, to such surviving Parson and his Successors for ever.

2 And from thenceforth, if there be several Patrons, then a Valuation shall be made thereof, by Commission to be granted out of the *Exchequer* at the proportionable Charge of the Patrons. And if such Parsonages, Vicarages and Benefices, appear to be of equal Value or near the same, and none of them to be double in Value to any one of the rest, then the Patron whose Clerk did first die, shall present to the first Avoidance, and the other to the second, and so afterwards the said Patrons, their Heirs, Successors and Assigns, shall thenceforth for ever present by Turns. And if any one or more of the said united Benefices be less in yearly Value than a fourth Part of any other of the said Benefices, then the Patronage of such to be extinct, and the Advowson and Advowsons to remain unto the other Patron and Patrons solely. And if any one or more of them be in yearly Value a full fourth Part or more of the greatest of them, but under a Moiety, then the Patron of the said greatest Benefice, to have two Presentations, and the Patron or Patrons of the lesser Benefices, to have one Presentation only in their several Turns, in Manner and Form as is above expressed. And that such Commission so executed, and returned into the Court of *Exchequer*, shall be final and peremptory to all Patrons, their Heirs and Successors for ever.

2 Geo. 1. c. 24. This Act appoints certain Commissioners in the Act named, for building the Church of St. Warbrough's, within the City of Dublin, and directs them to compute what further Sum of Money, over and above what arises from the Sale of a piece of Ground, on which the *Treasury* and *Council-Chamber* stood, (granted by his Majesty to the said Parish, towards Re-building the said Church) or voluntarily Contributions, shall be necessary for the Re-building the same, and on Certificate of such Computation, the Parishioners, in Vestry assembled, may Cess and Rate such computed Sum, on the Inhabitants and others, receiving any Profits out of Houses, Lands, Tenements or Hereditaments in the said Parish, and upon Neglect or Refusal to pay the Sum applotted, the same to be levied by Distress, and in case of being aggrieved by such Applotment, gives liberty to Appeal to the Commissioners.

This shall be taken as a publick Act. Vide the Act at large.

Watches.

10 Geo. 1. c. 3. On the 3d. Sunday in February in every Year, notice shall be given in each Parish Church in the City of Dublin and Liberties, that on some certain Day in the following Week, a Vestry or Meeting of the Parishioners will be held, to settle the Watch of that Parish. And if the Supervisors chosen refuse to Act or after accepting the Office shall die, or remove out of the Parish, the Parishioners, at a Vestry or Meeting appointed for that purpose, shall name others.

2 The Church - Wardens and Parishioners of each Parish, shall assemble every *Tuesday* in *Easter* Week, at Eleven in the Morning, in the Church or Vestry Room, and shall chuse a sufficient number of fit Persons, House-keepers in the Parishes where chosen to be Constables for one Year, to be returned (within 6 Days after Election) by the Church-Wardens to the Lord Mayor, and if the Constable be disapproved of, then upon Notice given to the Minister or Curate, and Church-Wardens, by the Lord Mayor, the Minister or Curate shall, on the next *Sunday* after Notice, publish in Church, that there will be a Meeting of the Church-Wardens and Parishioners, on some Day in the following Week, for the Election of a Constable, and the Church-Wardens, and Parishioners shall meet on the said Day, and Elect and Return a Person for the said Office to the Lord Mayor, and so *toties quoties*, till a fit person be approved of, and if any Constable so approved of, before he be sworn or after, shall die, quit the Parish, or be rendered incapable, then upon Notice given by the Supervisors, the Minister or Curate shall, on the next *Sunday*, publish in Church, that there will be a Meeting of the Church-Wardens and Parishioners, on some Day in the following Week, for the Election of a Constable, and the Church-Wardens, and Parishioners shall meet on the said Day and return a person for the said Office to the Lord Mayor, and so *toties quoties*, till a fit person be approved of.

3 Rents of Houses unset, to be valued for Watch-Money, shall be ascertained by four of the Parishioners to be named by the Church-Wardens, and the 6*d.* per pound Watch-Money, shall be levied and accounted for by the Church-

Church-Wardens, and in places *extraparochial*, by the Church-Wardens of the adjoining Parish, according to 17 & 18 Car. 2. c. 7.

The Church-Wardens shall at the End of every 6 Months, lay before the Supervisors, or any 5 of them upon Oath, an account of the Produce of the Sums charged as aforesaid, and by them received, and pay the same to the persons appointed by the Supervisors, and if they forswear themselves, they shall be subject to the Penalties of Perjury at common Law.

The Church-Wardens whilst in Office, shall be discharged from payment of the 6 d. per pound charged on their Houses.

Wills.

28 Hen. 8. c. 18. No Ordinary or other Persons having power to prove any Testament, shall compel the Husband or Friend of any Woman Covert, to prove any Testament of her Husband's Goods, or shall take or receive, or cause to be taken or received, any Money or other thing, for the proving the Testament of any Woman Covert, or making any Commission of Administration, concerning the pretended Goods of any such Woman Covert, unless she be Executor or Administrator to any Testator deceased, or have cause of Action of which her Husband, after her Death, hath no Remedy by course of the Common Law, upon pain of 10 l. *Irisb*, one Moiety to the King, and the other to the Party grieved, to be sued for in any of the Kings Courts by Action of Debt, &c. wherein no Essoign, &c. shall be allowed.

THE



*Precedent of a Certificate, of an Incumbent's reading
his Assent and Consent, &c.*

WE whose Names are Under-written, do hereby certify, That the Reverend *A. B.* of

Doctor of
Clerk

Rector
and Vicar of the
Curate

Parish of *C.* in the Diocess of *D.* on the
Day of in the Year of our Lord God
being the Lord's-Day or Sunday, did read in the
Parish Church of the said Parish of *C.* openly,
publickly and Solemnly, the Morning Prayer, to-
gether with the Litany and Evening Prayer, ap-
pointed to be read by, and according to the Book
intituled, The Book of Common Prayer and
Administation of the Sacraments, and other Rites
and Ceremonies of the Church, according to the
use of the Church of *Ireland*, together with the
Psalter or Psalms of *David*, pointed as they are
to be Sung, or Said in Churches, and the form
or manner of Making, Ordaining and Consecrat-
ing of Bishops, Priests, and Deacons, and at the
Time appointed thereby. And after such read-
ing thereof, did Openly and Publickly, before
the Congregation there assembled, declare his
unfeigned Assent and Consent, to the use of all
Things therein contain'd and prescrib'd, accord-
ing to this Form. That is to say, *J. A. B.*
do hereby declare my unfeigned Assent and Con-
sent, to all and every Thing contain'd and pre-
scrib'd in, and by the Book intituled, the Book
of Common Prayer and Administation of the
Sacraments, and other Rites and Ceremonies of
the Church, according to the use of the Church
of *Ireland*, together with the Psalter or Psalms
of *David*, pointed as they are to be Sung or Said
in Churches, and the form or manner of Making,
Ordaining, and Consecrating of Bishops, Priests,
and Deacons. Also, that he did Publickly and

A a

Openly,

Openly, upon the Day and Year aforesaid, in
the Parish Church aforesaid, in the Presence of
the Congregation there assembled, in the time of
Divine Service, read a Certificate under the
Hand and Seal of the ^{Most} Reverend Father in

God *E.* Lord ^{Archbishop} ^{Bishop} of *F.* in these Words,
That is to say, *E.* by Divine Providence Lord
Archbishop ^{Bishop} of *F.* To all whom it may concern

Greeting, Know ye that *A. B.* ^{Doctor of} ^{Clerk}

Master
Batchelor of Arts came before us, and did on
the Day of in the Year
of our Lord God subscribe
the following Declaration in these Words,
That is to say, I *A. B.* do Declare that I
will conform to the Liturgy of the Church of
Ireland, as it is now by Law established, and
likewise according to the late Act of Parliament,
did take the Oath of Fidelity to his Majesty
King and subscribed the Declara-
tion thereby requir'd. In Witness whereof we

have caused our ^{Archiepiscopal} ^{Episcopal} Seal to be here-
unto Affix'd; this Day of in the Year
of our Lord God, *E. G. H.* Register.

And after the reading thereof, he the said *A. B.*
did at the same Time, and in the same Place,
the Congregation being present, read the Decla-
ration or Acknowledgment contain'd in the said
Certificate, That is to say, I *A. B.* do De-
clare, That I will conform to the Liturgy of the
Church of *Ireland*, as it is now by Law establish'd.

All these things we Promise to testify upon
Oath, if at any time we shall be duly called
thereunto; Witness our Hands this Day of

A
T A B L E

S H E W I N G,

Under what GENERAL HEADS the
STATUTES are placed,

ENGLISH STATUTES.

Magna Charta, 9 Hen. 3. Chap. 1.

Chap. 1. **F**RANCHISES, and Liberties.
c. 13. *Darrein Presentment*. c. 14
Amerciaments. c. 33. Vacation
of Bishopricks. 36. Mortmain. 37.

Franchises.

Merton 20 Hen. 3.

c. 9. Bastardy.

Marlbridge, 52. Hen. 3.

c. 10. County and Turn. c. 12. Days in Bank 13.
Essoign.

Westminster 1. 3. Ed. 1.

Cap. 15. Bail. cap. 33. News. c. 28. Maintenance.
c. 51 Affizes.

Stat. of Religious Men.

7 Ed. 1. *Mortmain*.

Westminster 2. 13. Ed. 1.

Cap. 5. Advowson, c. 19. Ordinance. 24 *Juris*
utrum quod Permittat. 31. Mortmain. 41. *Contra*
forma Collationis. 45 Execution.

A a 2

Circumspect.

The Titles of the English Statutes,

Circumspect. Agatis, 13 Ed. 1.

Prohibition.

Stat. of Consultation. 24. Ed. 1.

Prohibition.

Stat. of purchasing Liberties, 27 Ed. 1.

Mortmain.

Stat for Amortisement of Lands, 34. Ed. 1.

Mortmain.

34 Ed. 1. *Indicavit*.

Stat. of Religious Persons, 35 Ed. 1.

Church-yards.

Articuli Cleri. 9. Ed. 2.

Cap. 1. 2. 3. 4. 5. Prohibition, *c.* 6. Jurisdiction.
7. Excommunication. *c.* 9. Distresses. 13. Ability. 14.
Election 15, 16. Clergy.

Prærogativa Regis. 17. Ed. 2.

Chap. 8. Advowson. 15. Letters Patents *Prærogative*,
Ne Rectores prosterment, &c.

Church-yards.

17 Ed. 2d. *c.* 14.

Forfeited Estates and Forfeiture.

1 Ed. 3. *Stat.* 2.

Chap. 2. Bishops, 11. Prohibition.

9 Ed. 3 *Stat.* 2.

Chap. 12. Excommunication.

14 Ed. 3. *Stat.* 1.

Chap. 17. Persons, &c. Judgments, *c.* 16. *Nisi Prius*.

14 Ed. 3. *Stat.* 3.

Chap. 3. Bishops. 4, 5. Vacation of Bishopricks.

18 Ed. 3. *Stat.* 3. For the Clergy.

Chap. 2. Bigamy. *c.* 8. Jurisdiction. *Tythes*.

Chap. 3. Mortmain. 5. Prohibition, 6. Ordinaries.

25 Ed. 3. *Stat.* 2. *De natis Ultra Mare*. Bastardy.

25 Ed. 3. *Stat.* 3.

Chap. 3. Advowson, 6. Bishops, 7. Advowson. 8.

Jurisdiction, 9. Ordinaries, 22. Provisors.

25 Ed. 3. *Stat.* 6.

Chap. 1. Provisors.

31 Ed. 3. *Stat.* 1.

Chap. 4. Probat of Testaments. 11. Administrators.

45 Ed. 3.

Chap. 3. Prohibition.

The Titles of the English Statutes.

- Chap. 5. Arrests. 4. Prohibition;
 50 Ed. 3.
 Stat. 1. Ric. 2.
 Chap. 13. Durefs. 14. Tythes. 15. Arrests.
 2 Ric. 2. Stat. 1.
 Chap. 5. News.
 3 Ric. 2.
 Chap. 3. *Præmunire*.
 7 Ric. 2.
 Chap. 12. *Præmunire*.
 9 Ric. 2.
 Chap. 5. Marshalsea.
 12 Rich. 2.
 Chap. 11. News, 15. *Præmunire*
 13 Ric. 2. Stat. 1.
 Chap. 1. Incumbent.
 13 Rich. 2. Stat. 2.
 Chap. 2. 3. Provisors.
 15 Ric. 2. Stat. 1.
 Chap. 2. Forcible Entries.
 Chap. 5. Mortmain. 6. Appropriations.
 16 Ric. 2.
 Chap. 5. Provisors. *Præmunire*.
 2 Hen. 4.
 Chap. 3. 4. Provisors, *Præmunire*.
 4 Hen. 4.
 Chap. 12. Appropriations, 22. Incumbent 11. Titles.
 7 Hen. 4.
 Chap. 8. Provisors, *Præmunire*.
 2 Hen. 5. Stat. 1.
 Chap. 1. Hospitals. c. 3. Libel.
 3 Hen. 5.
 Chap. 4. Provisors, *Præmunire*.
 8 Hen. 6.
 Chap. 1. Convocation.
 9 Hen. 6.
 Chap. 11. Bastardy.
 1 Hen. 7.
 Chap. 4. Incontinency of Priests.
 3 Hen. 7.
 Chap. 1. Execution of Statutes.

The Titles of the Irish STATUTES.

32 Hen. 6.

Held before Edward Fitz-Eustace, Kt. Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.

Cap. 1. An Act that all Statutes made against Provisors, as well in *England*, as in *Ireland*, shall be had and kept in Force.

Provisors.

36 Hen. 6. c. 1.

Residence.

7 Ed. 4.

Held at Dublin, before John Earl of Worcester, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland.

Cap. 2. An Act that none shall purchase Benefices from *Rome*.

Provisors.

Cap. 3. An Act whereby Letters Patents of Pardon from the King, to those who sue to *Rome* for certain Benefices, is void.

Provisors.

8 Hen. 7.

Held at Dublin before Walter Archbishop of Dublin, Deputy to Jasper Duke of Bedford and Earl of Pembroke, the King's Lieutenant of his Land of Ireland.

Cap. 1. An Act for cleansing of the Water-Course in *St. Patrick's Street*.

St. Patrick's.

10 Hen. 7.

Cap. 5. An Act against Provisors to *Rome*.

Provisors.

25 Hen. 8.

Cap. 2. Galtrim Parsonage.

28 Hen. 8.

Held at Dublin before Sir Leonard Gray, Kt. Lord Gray, Deputy to the King, and to Henry Duke of Richmond and Somerset, the King's Lieutenant of his Land and Dominion of Ireland; and from thence adjourned to the Village of Kilkenny, and from thence to the Village of Cashel, thence to the City of Limerick, and from thence, back again to the City of Dublin.

Cap.

The Titles of the Irish Statutes.

Cap. 3. Absentees.

Cap. 5. Supream Head.

Cap. 6. Rome.

Cap. 8. An Act for First Fruits. *First Fruits.*

Cap. 13. An Act against the Authority of the Bishop
of Rome. *Rome.*

Cap. 14. An Act for the Twentieth Part. *Twentieth Part.*

Cap. 16. Religious Houses.

Cap. 18. An Act for Probat of Testaments.

Administrators, Fees, Inventory, Wills;

Cap. 19. An Act of Faculties. *Rome.*

Cap. 25. An Act of Leases. *Leases.*

Cap. 26. An Act for the First Fruits, of Abbies,
Priories, and Colleges. *First Fruits.*

Cap. 28. King.

33 Hen. 8. Sess. 1.

*Held at Dublin, before Sir Anthony St. Leger, Kt.
one of the Gentlemen of the King's Bed-Chamber,
the King's Deputy of his Kingdom of Ireland, and
from thence adjourned to Limerick, thence to the Vil-
lage of Trim, and from thence back to the City of
Dublin.*

Cap. 6. An Act for Marriages. *Marriages.*

Cap. 8. An Act for Capacities. *Ability.*

Cap. 12. An Act for Tythes. *Tythes.*

Cap. 13. Recoveries. *Tythes.*

Cap. 14. An Act for Erecting Vicarages. *Vicarages.*

Cap. 5. Religious Houses.

3, 4. Phil, Mary, c. 2. *Counties.*

2 Eliz.

*Held at Dublin, before Thomas Earl of Suffex, Kt.
of the Garter, Captain of the Queen's Guard of
Gentlemen Pensioners, Chief Justice of all her Fo-
rests, Parks, and Chases, on this Side of Trent, and
the Queen's Deputy of her Kingdom of Ireland.*

Cap. 1. An Act restoring to the Crown the antient
Jurisdiction over the State, Ecclesiastical and Spiritual,
and abolishing all foreign Power repugnant to the
same. *Rome.*

Cap.

The Titles of the Irish Statutes.

Cap. 2. An Act for the Uniformity of the Common Prayer, and Service in the Church, and the Administration of the Sacraments.

Lord's Day, Uniformity.

Cap. 3. An Act for the Restitution of the First Fruits, and Twentieth Part, and Rents reserved *Nomine X or XX*, of Personages Improprate, to the Imperial Crown of this Realm.

First Fruits.

Cap. 4. An Act for the conferring and consecrating of Archbishops and Bishops within this Realm.

Bishops.

Cap. 7. Religious Houses.

11. *Eliz. c. 9. Counties.*

12 *Eliz. Sess. 4.*

Held at Dublin, before Henry Sidney, Kt. of the Garter, &c. the Queen's Deputy General of the Kingdom of Ireland; prorogued from thence to the Village of Drogheda, and from thence prorogued back again to the City of Dublin.

Cap. 1. An Act for the Erection of Free-Schools.

Schools, &c.

28 *Eliz. Sess. 2.*

Held at Dublin, before Sir John Perrot, Kt. the Queen's Deputy General, of her Kingdom of Ireland.

Cap. 3. An Act against forging of Evidences.

Forgery.

11, 12, 13. *Jac. 1.*

Cap. 7. An Act for Repairing and amending of Highways, and Cashes, and cutting or clearing of Paces.

Highways.

10 *Car. 1. Sess. 1.*

Held at the Castle of Dublin, before Thomas Viscount Wentworth, Baron of Wentworth Woodhouse, Lord Newmarch, and Oversly, Lord President of the King's Council, established in the North Part in England, Lord Lieutenant of York, and the King's Deputy General of his Kingdom of Ireland.

Cap. 3. An Act for confirming of Letters Patents hereafter to be past upon his Majesty's Commission of Grace, for the Remedy of defective Titles.

Letters Patents.

The Titles of the Irish Statutes.

10 Car. 1. Sess. 2.

Held at the Castle of Dublin, before the same Deputy.

Cap. 4. An Act concerning Grantees of Reversions to take Advantage of Breaches of Condition, &c.

Cap. 6. Limitation.

Letter Patents.

Cap. 14. An Act for the Continuance of Actions, after the Death of any King.

Abatement, Juris Utrum.

Cap. 21. An Act for the restraining of all Persons from Marriage, until their former Wives, and former Husbands be dead.

Marriages.

10 Car. 1. Sess. 3.

Cap. 1. An Act for Maintenance and Execution of pious Uses.

Pious Uses.

Cap. 3. Plantation, &c. c. 5. Confirmation.

Cap. 10. An Act against the fraudulent Administration of Intestates Goods.

Administrators.

Cap. 12. Nobility of Ireland.

Cap. 13. Maintenance.

10 & 11 Car. 1. Sess. 4.

Held at the Castle of Dublin, before the Deputy aforesaid.

Cap. 1. An Act to prevent and reform prophane Swearing and Cursing.

Swearing and Cursing.

Cap. 2. An Act to enable Restitution of Improprations and Tythes, and other Rights Ecclesiastical to the Clergy, with a Restraint of Aliening the same, and Direction for Presentations to the Churches.

Presentation, Union, Leases, Appropriations.

Cap. 3. An Act for the Preservation of the Inheritance, Rights, and Profits of Lands, belonging to the Church, and Persons Ecclesiastical.

Leases, Officers, and Offices.

15 Car. 1.

Begun and held at the Castle of Dublin, before Thomas Earl of Strafford, Lord Lieutenant General and General Governor of his Kingdom of Ireland, and afterwards prorogued, begun and held at the said Castle of Dublin, before Robert Lord Dillon, and Christopher Wandesford, Esq; then his Lords Justices of his said Kingdom of Ireland.

The Titles of the Irish Statutes.

Cap. 6. An Act for the Strengthening of Letters Patents passed, and to be past upon any of his Majesty's Commissions of Grace, for the Remedy of defective Titles. *Letters Patents.*

Cap. 11. An Act for endowing of Churches with Glebe Lands. *Glebes.*

Cap. 12. An Act concerning Twentieth Parts, and other Sums of Money payable by Persons Ecclesiastical. *Twentieth Parts.*

14 Car. 2. Sess. 4.

First held at Dublin, before Sir Maurice Eustace, Kt. and Charles Earl of Orrery, the King's Justices of his Kingdom of Ireland; and afterwards before James Duke of Ormond, the King's Lieutenant General, and General Governor of his said Kingdom of Ireland.

Cap. 1. An Act for a perpetual Anniversary Thanksgiving, on the 29th Day of May, in this Kingdom. *Holydays.*

Cap. 18. An Act for establishing an additional Revenue upon his Majesty, his Heirs and Successors, for the better support of his and their Crown and Dignity. *Heartb-Honey.*

Cap. 19. Court of Wards.

Cap. 23. An Act for keeping and celebrating the 23d of October, as an Anniversary Thanksgiving in this Kingdom. *Holydays.*

14 Car. 2.

Cap. 2. An Act for the better Execution of his Majesty's gracious Declaration, for the Settlement of this Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers, Soldiers, and other his Subjects there.

17, 18 Car. 2. Sess. 5.

Cap. 2. This Act is commonly called, An Act for the explaining of some Doubts, arisen upon the last Act commonly called the Act of Settlement, and for making some Alterations of, and Additions to the same, for the more speedy and effectual Settlement of the said Kingdom.

17 Car. 2. Sess. 5.

Held at Dublin, before the said Lieutenant.

Cap.

The Titles of the Irish Statutes.

Cap. 3. An Act for the Confirmation of Marriages.
Marriages.

Cap. 6. An Act for the Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the Form of Making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of Ireland,
Uniformity.

Cap. 7. An Act for Provision of Ministers in Cities and Corporate Towns, and making the Church of St. Andrews, in the Suburbs of the City of Dublin, presentative for ever.
St. Andrews, Ministers.

Cap. 10. An Act for disabling Spiritual Persons from holding Benefices, or other Ecclesiastical Dignities in England and Wales, and in Ireland at the same time.
Spiritual Persons.

Cap. 14. An Act enabling the Preceptor and Treasurer of the Cathedral Church of St. Patrick's, Dublin, and the Archdeacon of Dublin, to make Leases of Part of their Yards and Gardens for Sixty Years.
St. Patrick's.

Cap. 18. An additional Act for the better ordering and collecting the Revenues arising by Hearth-Money.
Hearth-Money.

Cap. 21. An additional Act to the Act, Intituled, *An Act for the cleansing the Water-Course in St. Patrick's Street.*
St. Patrick's.

7 Gul. 3. Sess. 1.
Held at Dublin, before Henry Lord Capel, his Majesty's Deputy General, and General Governor of his Kingdom of Ireland; and continued by several Adjournments before Charles Lord Marquess of Winchester, and Henry Earl of Gallway, his Majesty's Lords Justices General, and General Governors of his Kingdom of Ireland.

Cap. 4. An Act to restrain foreign Education.
Schools, and Schoolmasters.

Cap. 6. An Act for better settling Intestates Estates.
Administrators.

Cap. 9. An Act for the more effectual suppressing of prophane cursing and swearing.
Swearing.

The Titles of the Irish Statutes.

Cap. 14. An Act declaring what Days in the Year shall be observed as Holydays. *Holydays.*

Cap. 17. An Act for the better Observation of the Lord's Day, commonly called Sunday. *Lord's Day.*

9. Gul. 3. *same Sess.*

Cap. 26. An Act for banishing all Papists, exercising any Ecclesiastical Jurisdiction, and Regulars of the Popish Clergy out of this Kingdom. *Papists.*

Cap. 28. An Act to prevent Protestants intermarrying with Papists. *Marriages.*

Cap. 35. to prevent vexatious Suits. *Costs.*

Cap. 41. An Act for dividing the Parish of St. Michan's, in the City and Suburbs of Dublin, into three distinct Parishes. *St. Michan's.*

10 Gul 3 Sess. 2.

Held at Dublin, in the 7th Year of King William before his Excellency Henry Lord Capel, Lord Deputy General, and General Governor of his Majesty's Kingdom of Ireland, and continued by several Adjournments, and Prorogations before Charles Lord Marquess of Winchester, and Henry Earl of Gallway, the King's Lords Justices General, and General Governors of his Kingdom of Ireland.

Cap 6 An Act to encourage building of Houses, and making other Improvements on Church Lands, and to prevent Dilapidations. *Spiritual Persons.*

Cap. 16. An Act for Explaining some Doubts that may arise on the Exposition of an Act passed this Session of Parliament. intituled, *An Act for confirming Estates and Possessions held and enjoyed under the Acts of Settlement and Explanation*: And also for amending some Words in an Act passed the last Session of this present Parliament intituled, *An Act to hinder the Reversal of several Outlawries and Attainders*; and to prevent the return of Subjects of this Kingdom who went into the Dominions of the French King in Europe. *Settlement.*

2 Ann. Sess. 1

Held at Dublin before James Duke of Ormond Lord Lieutenant General and General Governor of Ireland, the 21st day of September, 1702.

Cap.

The Titles of the Irish Statutes.

Cap. 3. An Act to prevent Popish Priests from coming into this Kingdom. *Papists.*

Cap. 6. An Act to prevent the further growth of Popery. *Marriage, Papists, Præmunire.*

Cap. 7. An Act for Registering the Popish Clergy. *Papists.*

Cap. 9. An Act for quieting Ecclesiastical Persons in their Possessions. *Settlement.*

Cap. 10. An Act for the Exchange of Glebes belonging to Churches in this Kingdom. *Glebes.*

Cap. 11. An Act for building Parish Churches in more Convenient Places. *Parish Churches.*

2 Ann. Sess. 2.

Held at Dublin, before James Duke of Ormond, Lord Lieutenant General and General Governor of Ireland, and continued by several Adjournments and Prorogations to the 10th of February, 1704.

Cap. 2. An Act to Explain and amend an Act Intituled, *An Act for Registering the Popish Clergy.*

c. 7. Papists *Papists.*

6 Ann. Sess. 3.

Held at Dublin, before James Duke of Ormond, and continued by several Adjournments and Prorogations to the 23d of June, 1707. and likewise continued under Thomas Earl of Pembroke, Lord Lieutenant General and General Governor of Ireland, by Prorogation, till the 6th of May, 1708.

Cap. 16. An Act for the more Effectual preventing the taking away and Marrying Children against the Wills of their Parents and Guardians. *Marriage.*

Cap. 19. An Act for settling and preserving a publick Library for ever, in the House for the Purpose, built by his Grace now Lord Archbishop of *Armagh*, on part of the Ground belonging to the Archbishop of *Dublin's* Palace, near the City of *Dublin*.

Library, Union.

8 Ann. Sess. 4.

Held at Dublin, before James Duke of Ormond, and continued by several Adjournments and Prorogations, and continued under Thomas Earl of Pembroke, by Prorogation, and likewise continued under Thomas Earl of Wharton, Lord Lieutenant General and General

The Titles of the Irish Statutes.

neral Governor of Ireland, by several Prorogations, until the 5th of May, 1709.

Cap. 3. An Act for Explaining and Amending an Act Intituled, *An Act to prevent the further Growth of Popery.* Marriage, Papists, Præmanire, and Schools, Schoolmasters.

Cap. 13. An Act for dissolving the Union of the Parishes of *Tyman and Derrynoose*, and for building several Parish Churches in more convenient Places in the Diocess of *Armagh.* Parish Churches.

9 Ann. Sess. 5.

Held before the same Persons by several Prorogations, until the 20th of May, 1710.

Cap. 12. An Act for Uniting several Parishes, and building several Parish Churches in more convenient Places. Parish Churches.

2 Geo. 1.

Held at Dublin, before Charles Duke of Grafton, and Henry Earl of Gallway, Lords Justices General, and General Governors of Ireland, the 12th of November, 1715.

Cap. 14. An Act for the real Union and Division of Parishes. Parish Churches.

Cap. 15. An Act for Confirming the several Grants made by her late Majesty of the First Fruits, and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops, Bishops, and other Ecclesiastical Persons four Years Time for the Payment of First Fruits.

First Fruits, Twentieth Part.

Cap. 17. An Act to empower Justices of the Peace to determine Disputes about Servants, Artificers, Day-Labourers Wages, and other small Demands, and to oblige Masters to pay the same, and to punish idle and disorderly Servants.

Apprentices, Schools, &c.

Cap. 24. An Act for changing the Scite and new Building of the Parish Church of *St. Warborough's* in the City of *Dublin.* St. Warborough's.

4 Geo. 1. Sess. 2.

Held at Dublin before Charles Duke of Grafton, and Henry Earl of Gallway, and continued under Charles Duke of Bolton, Lord Lieutenant General and General

The Titles of the Irish Statutes.

General Governor of Ireland, by several Prorogations, to the 27th Day of August, 1717.

Cap. 11. An Act for the better Amendment of the Pavements, and more effectual cleansing the Streets of the City of Dublin, and for removing Encroachments and Nuisances that are or shall be erected therein, and preventing Mischiefs occasioned by Drivers of Carts, Drays, or Carrs riding thereon, and for regulating the selling of Hay in the City of Dublin and Liberties thereto adjoining.

Dublin.

Cap. 14. An Act for Settling the Quarter Parts upon the Parochial Clergy of the Diocess of Tuam, and for impowering the Lord Archbishop of Tuam to set Leases of Part of his Demesne Lands, as also for Confirming a charitable Foundation in the City of Cork.

Leases, Poor, Quarter parts.

6 Geo. 1. Sess. 3.

Held at Dublin, before Charles Duke of Grafton, and Henry Earl of Gallway, and continued under Charles Duke of Bolton, Lord Lieutenant General and General Governor of Ireland, by several Prorogations, to the 1st Day of July, 1719.

Cap. 5. An Act for Exempting the Protestant Dissenters of this Kingdom, from certain Penalties to which they are now subject.

Religion.

Cap. 6. An Act to prevent Delays in Writs of Error, and for the further Amendment of the Law.

Ecclesiastical Courts.

Cap. 10. An Act for the better Regulating the Parish Watches, and Amending the High Ways in this Kingdom, and for preventing the Misapplication of the publick Money.

Watches.

Cap. 11. An Act for the better securing the Rights of Advowson, and Presentation to Ecclesiastical Benefices.

Quare Impedit.

Cap. 13. An Act for the better Maintenance of Curates within the Church of Ireland.

Parish Churches, Spiritual Persons.

Cap. 14. An Act for Amending and Enforcing a Clause contained in an Act to enable Restitution of Improvements, and Tythes, and other Rights Ecclesiastical, to the Clergy, with a Restraint from aliening the same, and direction for Presentation to the Churches.

Leases.

Cap.

The Titles of the Irish Statutes.

Cap. 15 An Act for the more effectual Amendment of the Pavements of the several Counties and Cities and Counties of Towns in this Kingdom, and for preventing Mischiefs that may happen by Fire in the City of *Dublin*, and for augmenting the Number of Hackney Coaches and Chairs in the said City

Dublin, Fire.

8 Geo. 1. Sess. 4.

Held at Dublin, before Charles Duke of Grafton, and Henry Earl of Gallway, and continued under Charles Duke of Bolton, by several Prorogations, and likewise continued under Charles Duke of Grafton, Lord Lieutenant General and General Governor of Ireland, by several Prorogations, until the 12th Day of September, 1721.

Cap. 10. An Act for continuing and Amending an Act intituled, *An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of publick Money.*

Watches.

Cap. 11. An Act for the supplying a Defect in an Act passed in the second Year of the Reign of her late Majesty Queen *Ann*, intituled, *An Act for the exchanging Glebes belonging to Churches in this Kingdom.*

Glebes.

Cap. 12 An Act for the better enabling of the Clergy having Cure of Souls, to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of *Ireland.*

Glebes,

Schools and Schoolmasters.

10 Geo. 1. Sess. 5.

Cap. 3. An Act for continuing and amending an Act, intituled, *An Act for the better regulating the Parish Watches, and amending Highways in this Kingdom, and for the preventing the misapplication of publick Money, and also for establishing a regular Watch in the City of Dublin, and to prevent Mischiefs that may happen by graving Ships in the River Liffy.*

Dublin, Watches.

Cap. 4. An Act for continuing several temporary Statutes, made in this Kingdom, and now near expiring.

Glebes.

Cap.

The Titles of the Irish Statutes.

Cap. 5. An Act for the further encouragement of finding and working Mines and Minerals within this Kingdom. *Mines, &c.*

Cap. 6. An Act for explaining and Amending an Act, intituled, *An Act for real Union and Division of Parishes, and for confirming an Exchange made of a piece of Ground, whereon the Parish Church and Vicarage House of the Parish of St. Anne, in the Suburbs of the City of Dublin, was by a former Act of Parliament directed to be built, for another piece of Ground, and for appropriating such other piece of Ground to the same Uses.* *Globes, Parish-Churches.*

Cap. 7. An Act for amending an Act, intituled, *An Act for confirming the several Grants made by her late Majesty of the First Fruits and Twentieth-parts, payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops and other Ecclesiastical Persons, four Years time for the Payment of First Fruits, and for incorporating the Trustees, and Commissioners of the said First Fruits.* *First Fruits.*

12 Geo. i. Sess. 8.

Held at Dublin before Charles Duke of Grafton, and Henry Earl of Gallway, and continued under Charles Duke of Bolton, by several Prorogations; and likewise continued under Charles Duke of Grafton, by several Prorogations, and further continued under his Excellency John Lord Carteret, Lord Lieutenant General and General Governor of Ireland, by several Prorogations, until the 21st day of September, 1725.

Cap. 3. An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated, from being avoided by Præcontracts, and for the more effectual punishment of Bigamy. *Marriages.*

Cap. 9. An Act for the more effectual erecting, and better regulating of Free Schools, and for rebuilding, and repairing of Churches. *Parish Churches, Schools and Schoolmasters.*

Cap. 10. An Act to explain and amend an Act, intituled, *An Act to encourage building of Houses, and making*

The Titles of the Irish Statutes.

making other Improvements on Church Lands, and to prevent Dilapidations..
Alms Houses, Leases, Spiritual Persons.

1. Geo. 2. Sess. 1.

Held at Dublin before John Lord Carteret, Lord Lieutenant General and General Governor of Ireland, the 28th. Day of November, 1727.

Cap. 12. An Act for the more easy recovery of Tythes, and other Ecclesiastical dues of small value.
Tythes.

Cap. 13. An Act for explaining and amending several Laws made for amending the Highways and Roads in this Kingdom, and for the Application of the Sixdays Labour.
Highways.

Cap. 15. An Act for rendring more effectual an Act Intituled, An Act for the better enabling of the Clergy having Cure of Souls, to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland.

Glebes, Leases, Schools and School-Masters.

Cap. 18. An Act to enable, Archbishops, Bishops, and other Ecclesiastical Persons and Corporations, to grant their Patronage or Right of Presentation or Nomination to small Livings, to such Persons as shall Augment the same, and also to enable Archbishops and Bishops, and other Ecclesiastical Persons therein mentioned, to make agreement with their Tenants for the inclosing and improving their Woods.

Spiritual Persons.

Cap. 19. An Act for Repealing a Clause in an Act, Intituled, An Act for Real Union and Division of Parishes, and for settling the method of obtaining the Kings Majesty's Consent for removing the Scituation of Churches, the Patronage whereof is in the Crown.

Parish Churches.

Cap. 21. An Act for explaining and amending an Act, Intituled, An Act for the better Maintenance of Curates within the Church of Ireland.

Parish Churches.

Spiritual Persons.

Cap.

The Titles of the Irish Statutes.

Cap. 23. An Act for the better securing the Rights of Advowson and Presentation to Ecclesiastical Benefices. *Quare Impedit.*

Cap. 26. An Act for the better regulating the Work-house of the City of *Dublin*, and to regulate and provide for the Poor thereof, and to prevent Mischiefs which may happen by keeping Gun-powder within the said City. *Poor House.*

3 Geo. 2.

Held at Dublin before his Excellency John Lord Carteret, Lord Lieutenant General and General Governor of Ireland, the 23d. of September, 1729.

Cap. 11. An Act for the better keeping Churches in Repair. *Parish Churches.*

Cap. 12. An Act for supplying a defect in *An Act*, for rendring more effectual an Act, for the better enabling the Clergy having Cure of Souls, to reside on their respective Benefices, and for encouragement of Protestant Schools within this Kingdom of Ireland. *Glebes.*

Cap. 13. An Act for explaining and amending, the several Laws now in Force for the Paving and Cleansing the Streets of the City of *Dublin*, and the Liberties of *St. Sepulchres*, *Thomas Court* and *Donore*, and for other Purposes therein mentioned.

Dublin Watches.

Cap. 17. An Act for the better enabling the Governors of the Work-house of the City of *Dublin*, to provide for, and employ the Poor therein, and for the more effectual Punishment of Vagabonds; and also for the better securing of, and providing for Lunatics, and Foundling Children. *Dublin, Poor-house.*

Cap. 23. An Act for finishing and regulating the Hospital founded by *Richard Stephen's*, Esq; Doctor of Physick. *Hospitals.*

5. Geo. 2.

Held at Dublin before his Grace Lionel Duke of Dorset, Lord Lieutenant General and General Governor of Ireland the 5th of October, 1731.

Cap. 4. Schools, &c.

The Titles of the Irish Statutes.

Cap. 6. An Act for continuing, several temporary Statutes made in this Kingdom, and now near expiring, and for the amendment of the Statutes therein mention'd.
Glebes, Tythes.

Cap. 9. Tythes.

Cap. 14. An Act to explain and amend. 1. Geo. 2.
Cap. 26, &c. *Poor-house.*

7 Geo. 2.

Held before his Grace Lionel Duke of Dorset, Lord Lieutenant General and General Governor of Ireland, October the 5th 1733.

Cap. 7. An Act for continuing several temporary Statutes, and for other Purposes therein mentioned.
Glebes, Parish Churches, Parish Clerks, Quare Impedit, Tythes.

9 Geo. 2. Sess. 5.

Cap. 11. An Act for the more effectual preventing clandestine Marriages. *Marriages.*

Cap. 12. An Act for explaining An Act, for real Union and Division of Parishes. *Parish Churches.*

Cap. 13. An Act for making more effectual an Act, to amend and explain an Act, Intituled, *An Act to encourage building of Houses, and making other Improvements on Church Lands, and to prevent Dilapidations.*
Spiritual Persons.

11 Geo. 2d.

Cap. 15. An Act to Repeal part of an Act passed in the 10th and 11th Years of King Charles the 1st Intituled, *An Act for the Preservation of the Inheritance, Rights and Profits, of Lands belonging to the Church and Persons Ecclesiastical, and also for the more easy Recovery of Arrears, of Rent due to Archbishops and Bishops, upon their Translation.* *Bishops.*

Cap. 6. An Act that all Proceedings in Courts of Justice within this Kingdom shall be in the English Language. *Law Proceedings.*

Cap. 10. An Act allowing further time to Persons in Offices to qualify themselves Pursuant to an Act, Intituled, *An Act to prevent the further growth of Popery, and for giving further ease to Protestant Dissenters, with respect to Matrimonial Contracts.*

Marriages.

A GENERAL

A GENERAL TABLE

Containing the Substance of each Clause,
and referring to the Sections, wherein
are also placed in an Alphabetical Order,
the principal Words in each Clause.

Abatement.

SUIT not abated by making Plaintiff Archbishop,
or Bishop. Sect. 1

Ability.

Examination of Persons presented by whom to be. 1
Ability of Religious Persons deraigned. 2

Absentees.

Lands of what Absentees King to enjoy. 1
Saving and Provisoës for divers Persons, 2 &c.

Addition.

See *Excommunicato capiendo.*

Administration.

Administration to whom grantable. 1 &c.
Who shall be charged as Executor of his own
wrong. 4 &c.
Administration in what manner grantable. 6 &c.
Distribution how and when to be made. 8, 9, 10.
Administration *cum Testament. annexo.* 11
This Act not to extend to the Estates of *Feme Co-*
werts. 12
Administration how to be cited and by whom. 13
Child

A General Alphabetical Table, &c.

Child dying intestate after the Father, distribution how. 14

Administration.

Administrator *de bonis non*, may sue a *scire facias*. 15
Custom of *Ireland* declared void. 16
Executors in their own wrong chargeable. 17

Advowson.

See *Quare impedit*, Recoveries.
What Usurpation shall not bar. 1
Pleading in *Darrein presentment*, &c. 2
Remedy on Disturbance where Partition is made upon Record, or by Fine. 3
Where the Patron shall recover Damages on a Lapse. 4
Penalty upon Disturber. 5
Writs to be granted for Chappels, Vicarages, &c. 6
Remedy for Parsons disturbed to demand Tythes. 7
Coparcener presenting twice shall not bar the other. 8
King not barred by Lapse. 9
King collating in anothers Right. 10
Where the King's Title may be counterpleaded 11

Alienation.

See *contra formam Collationis*.

Alms-Houses.

Lands, what and how may be conveyed by Archbishops, &c. for the Use of an Alms-House. 1

Amerciaments.

Churchmen how to be Amerced. 1

St. Andrews.

Regulation thereof, and who to present thereto. 1
Church Wardens to be a Corporation. 2
Precentor of *St. Patrick's* to be Rector. 3

Apprentices.

A General Alphabetical Table, &c.

Apprentices.

Ministers and Church Wardens, their Power in binding out poor Children.	1
Age of the Child, how to be ascertained.	2
Usual Covenants to be in their Indentures.	3

Appropriations.

See <i>Presentation</i> .	
Cause in Licences of Appropriations.	1
Endowment on Appropriation.	4
Appropriators may restore to the Church and how.	5
Parsons or Vicars of such Donations, how and by whom to be constituted.	6
Patronage, and Presentation, to whom they shall belong.	7
Parsons chargeable with the Repairs.	8
<i>Appropriation.</i> See <i>Presentation</i> .	

Archbishop of Dublin.

See <i>Bishops</i> , St. Andrew.	
Lands granted to him.	1
<i>Archbishops.</i> See <i>Bishops</i> .	

Arrests.

When Clerks shan't be arrested. See *this Title*.

Affizes.

<i>Affizes</i> of Darrein Presentment, &c. how, and when, to be taken.	1. 2.
<i>Augmentation.</i> See <i>Churches</i> . 1. <i>Spiritual Persons</i> <i>sparsim</i> .	
<i>Avoidance.</i> See <i>Jurisdiction</i> .	2

Bail.

<i>Excommunicated</i> not Bailable.	Sec. 1
-------------------------------------	--------

Bastardy

A General Alphabetical Table, &c.

Bastardy and Bastards.

Bastard who, and how, and by whom to be certified. 1, 2, 3;

Bigamy.

Bigamy how to be tried. 1

Bishops.

Bishops. See *Abatement*, 1. *Absentees*, 4. *Advowson*, 4. 11. *Alms-Houses*, 1. *Appropriations*, 4, 5, 6. *Bastardy*, 2. 3. *Bigamy*, 1. *Churches*, 1. *Confirmation*, 1. 2. *Counties*, 1. 2. *County and Turn*, 1. *Days in Bank*, 2. *Ecclesiastical Courts*, per tot. *Excommunication*, per tot. *Execution*, 2. *Execution of Statutes*, 1. *Fees*, per tot. *First-Fruits*, 1. 9. 19, &c. *Forfeited Estates*, per tot. *Forgery*, 1. *Glebes*, per tot. *Heretico Comburendo*, 2. *Hospitals*, 1. 2. *Incontinency of Priests*, 1. *Inventory*, 2. *Judgments*, 1. *Leases*, 5, &c. *Letters*, *Patents*, 9. *Limitation*, 2. *Mines*, 1. *Nobility of Ireland*, 1. *Officers and Offices*, 1. *Ordinaries*, per tot. *Papists*, 30. *Parish Churches*, per tot. *St. Patrick's*, 3. *Pious Uses*, 1. 2. *Plantation*, &c. 2. *Probat of Testaments*, 1. *Quare Impedit*, 5. *Quarta pars*, per tot. *Religion*, 7. 15. *Rome*, *sparsim*; *Schoolmasters*, *sparsim*; *Settlement*, per tot. *Spiritual Persons*, per tot. *Twentieth Part*, per tot. *Vacation of Bishopricks*, per tot. *Uniformity*, *sparsim*. *Union*, 1. 2. *Wills*. 1.

Where a Bishops Temporalities shall be seized by the King, where not. 1. 2, &c.

Collation of a Bishop how. 4. 5, &c.

How Rents due to Bishops on their Translation to be recovered. 9. 10

Churches.

Augmentation of Rectories, &c. and rebuilding of Churches. Sect. 1

Chief

A General Alphabetical Table, &c.

Chief Justice of the King's-Bench. See *St. Andrew's*. I
 Chief Justice of the Common-Pleas. See *St. Andrew's*. I
 Chief Baron. See *St. Andrew's*. I
 Church-Wardens. See *Alms-Houses*, 1. *St. Andrew's*. 2
 Apprentices, 1. *Dublin*, 4. 6. 7. 13. 14. 15. *Fine*,
 per tot. 2
 High-ways, 1. 2. *Lord's-Day*, 4. 10. *Ministers*, 3.
 &c. *Papists*, 33, 36
 Parish-Churches, per tot. *Poor-House*, per tot.
Schools. 27
 Swearing *sparsim*, Uniformity *sparsim*, *Watches*,
 per tot.
 Church. See *Election*, 1. *Franchises and Liberties*,
1. 2, &c.
 Religion, 14. Uniformity, per tot.
 Churches. See *Appropriations*, 8. *Dublin*. 2. *Spi-*
ritual Persons, *sparsim*.

Church-Yards.

Trees, when to be cut down in Church-Yards. *Sect.* 1
 Church-Yards. See *Fairs and Markets*.
 Citation. See *Ecclesiastical Courts*, per tot.

Confirmation.

Grants of Lands, Tythes, &c. of *Heren-ashes* and
Corbes, are granted to fundry Bishops. *Sect.* 1
Constables. See *Watches*.
Coparceners. See *Advowson*. *Sect.* 3, &c.

Contra formam Collationis.

Lands granted to Religious Persons aliened, may
 be seized. *Sect.* 1, &c.
Cork. See *Poor*.
 Consultation. See *Prohibition*.

Convocation.

Privilege of the Clergy going to Convocation. *Sect.* 1
Constable. See *Dublin*.

A General Alphabetical Table, &c.

Costs.

Costs in debt, for not setting forth Tythes, and in Prohibition. *Sect. 1*

Executor or Administrator, not liable but as before this. *Stat. 2*

Counties.

Saving for several Bishops in this Act. *1*

County and Turn.

Who exempted from appearing at the Sheriffs Turn. *1*

Courts of Wards.

This Act not to extend to Tenures in *Frank al-moine*. *1*

Darrein Presentment.

Where Affizes of Darrein Presentment to be taken. *Sect. 1*

Damages. See *Advowson*. *4*

Darrein Presentment. See *Advowson Days in Bank*, *1*

1. Essoign, 1, 2, 3. Nisi Prius. *1*

Dean. See *Alms-Houses, Sect. 1. Glebes, sparsim, Leases, Spiritual Persons, and other Titles under Ecclesiastical Persons.*

Defamation. See *Ecclesiastical Courts.* *6*

Days in Bank.

Days in Darrein Presentment, and *Quare Impedit*, *1, &c.*

Process against a Disturber, *ibid.*

Discontinuance of Process.

In what Cases a *Juris utrum* shall not be discontinued. *Sect. 1*

Dissenters. See *Religion, per tot. Marriages, 41. 42.*

Distribution. See *Administrators.* *8. &c.*

Distresses.

A General Alphabetical Table, &c.

Distresses.

Distresses not to be of the Antient Fees of the Church.

Sect. 1

Dublin.

Laying Rubbish in the Streets, the Penalty.	1
Streets before Walls of Churches, and Church-yards to be swept.	2
Penalty on Scavengers neglecting.	3
Regulation of Pavements, before Churches, in Vestries.	4
Rubbish in Building when to be removed.	5
Moiety of Forfeiture, for selling Hay under weight to the Poor.	6
Parish-Cesses, and Publick-Taxes, how to be apportioned.	7, &c.
Church-Wardens, and Directors of the Watch, to Perambulate the Streets, four Times a Year.	13
Lord Mayor Seneschals neglecting, by whom a Complaint may be made.	14
Scavenger neglecting, Church-Wardens may employ others.	15
Constables returned at a Vestry and disapproved, how others may be chosen.	16
Constable to return a Deputy in a Vestry.	17
<i>Dublin.</i> See <i>Fine per tot. Ministers, per tot.</i>	
Uniformity, 9. Watches. <i>per tot.</i>	
<i>Dublin College.</i> See <i>Forfeited Estates.</i>	17, 22

Durefs.

Obligations from Ecclesiastical Persons by Durefs, are void.

I

Ecclesiastical Courts.

No Citation, *ex mero Officio*, for any Crime unless committed within two Years.

Sect. 1.

Voluntary Promoter of Office, before Citation, to be examined on Oath.

2

Examination to be annexed to the Depositions in the Cause, and if false, Promoter to pay Costs.

ibid.

A General Alphabetical Table, &c.

Presentments not to be received, or Citation granted without Examination, as aforesaid, or Citations and Presentments to be void. *ibid* and 3. 5.

In Causes of Defamation, Proceedings may be summary. 6

Ordinaries Power to proceed against Ecclesiastical Persons saved. 7

Ecclesiastical Court. See *Libel*, 1. *Prohibition*, per tot. *Tythes*, *Sparfism*.

Ecclesiastical Judge. See *Ability*, 1. *Ecclesiastical Courts*, per tot. *Heretico Comburendo*, 2. *Jurisdiction*, 1, 2. *Rome*, 5, 6. &c. *Wills*, 1.

Ecclesiastical Persons. See *Spiritual Persons*. See *Duress*, 1. *Ecclesiastical Courts*, 7. *Forfeited Estates*, *sparfism*, *Letters Patents*, 9. *Leases*, per tot. *Limitation*, 2. *Marshalsea*, 1. *Mines*, 1. *Officers*, 1. *Plantation*, &c. 2. *Quo Warranto*, 1, 2. *Schools*, 16. 18. 22. *Settlement*, per tot. *Twentieth Part*, per tot. *Tythes*, per tot. *Uniformity*, per tot.

Election.

Elections for the Dignities of the Church to be free. *Sect.* 1

Spiritual Persons, *sparfism*.

Essoign.

Essoign in Darrien Presentment, and *Quare Impedit*, *Sect.* 1, 2.

When they lie in Darrein Presentment, 3, 4.

Essoign. See *Quare impedit*. 1

Excommunication.

Excommunication against those violating the Liberties of the Church. *Sect.* 1

King's Letters; the Ordinaries shall absolve Excommunicate Persons; shall not issue forth unless King prejudiced. 2.

Excommunicatio Capiend, not to be denied when. 3

Writs ordained for Bishops, to excommunicate whom. 4

Excom-

A General Alphabetical Table, &c.

Excommunication. See *Ability*, 1.

Excommunication. See *Bail*, 1.

Executor, and Executor of his own Wrong. See *Administrator*.

Excommunicato Capiendo.

Sufficient Addition to be therein. *Sect.* 1

Execution.

Command to the Ordinary therein. *Sect.* 2

Execution of Statutes.

When a Bishop is to be called by the Lord Chancellor, &c. to punish Offenders against Statutes. *Sect.* 1

Fairs and Markets.

Fairs and Markets not to be kept in Church Yards. *Sect.* 1

Fees.

The several Fees to be taken in the Ecclesiastical Courts.

Fees. See *First Fruits*, *Probat of Testaments*. *Religion*, 2. 9. 15. *Rome*, 13. 17, 18. *Wills*, 1.

Feme Coverts. See *Administration*, 12.

Friaries, &c. See *Papists*.

Fire.

Church Wardens may appoint Stop-blocks of Wood, and their further Power therein. *Sect.* 1

Parishes to keep Fire Engines. 2

Persons to be appointed to take Care of them, and by whom. 3

Reward to the Engines first coming. 4

First Fruits.

Who to pay First Fruits. *Sect.* 1

How to be valued and compounded. 2

Acquittances for them. 3

Bonds

A General Alphabetical Table, &c.

Bonds for them, how to be sued.	3
Commissioners to make Returns of Money, &c.	4
To be paid to the King only.	6
The King to provide a Priest upon Avoidance.	7
Penalty for not paying or Compounding.	8
Power of Bishops.	9
How to be valued.	11
Pensions how to be paid.	15
What Vicarages not chargeable.	16
Payment, how to be appointed on the Death of the Incumbent.	17
Hospitals and Schools exempted.	18
Letters Patents of 10th <i>Ann</i> confirmed.	19
Titles of the Grantees under such Letters Patents.	21
Seven Commissioners may Act.	21
The Time for Payment.	22
Trustees may Elect in the Room of the deceased.	23
Shall be a Body Politick.	24
Who shall make a Quorum.	25
First Fruits of united Parishes, how to be paid on Death, Resignation, or Removal.	26
A Certificate of the Death, Removal, or Resignation to be returned to the First Fruits Office.	27
First Fruits how to be appointed on the Division of Parishes.	28
First Fruits of divided or new erected Parishes.	29
Parishes exempted.	30

Forcible Entry.

Statutes concerning it, extended to Church Livings and Justices of Peace have Cognizance. *Sect* 1

Forfeited Estates and Forfeitures.

King shall have Escheats of Bishops Lands, in time of Vacation.	<i>Sect.</i> 1
Lands, &c. of Ecclesiastical Persons not adjudged innocent, by this Act forfeited.	2
Saving for them in their Politick Capacity.	3
Forfeiture by Non-payment to the Crown, saved.	4
Possessions of Ecclesiastical Persons, in their political Capacity, in 1641, to be restored.	5
What	

A General Alphabetical Table, &c.

What Leases of Ecclesiastical Persons are confirmed, and to whom, by this Act, and what not.	6
Rents of several Bishopricks enlarged.	7
Lands for such Enlargements, how to be set out and by whom.	8

Forfeited Estates and Forfeitures.

Impropriations, and impropriate Tythes forfeited, restored to the Church, on Payment of former Rents, and Duties.	9
Rectories or Tythes belonging to the Lord Lieutenant, or to the Lord Presidents of <i>Munster</i> , and <i>Connaught</i> , in Right of their Places, saved.	10
Lord Lieutenant, to allot a Recompence to certain Persons out of Impropriations.	11
Two Acres to be set apart for Glebe out of every Hundred Acres, paying for the same.	12
Lands assigned to Commissioned Officers, to pay Rent and Duties formerly paid to the Church.	13
Two Shillings in the Pound to be paid by such Officers to Bishops, for their Lands.	14
Out of Houses forfeited, Bishops and Ministers to have Houses set out to them.	15
Proceedings of the Commissioners, as effectual as if mentioned in this Act.	16
Saving for <i>Dublin</i> College.	17
Saving for the Earl, and Bishop of <i>Cork</i> .	18
Augmentations and Allowances to Bishops, how and by whom, and Retrenchment on Overplus.	19
What Parochial Churches to be endowed with Acres of Glebe, and how.	20
And Augmentations to Bishops, how.	<i>ibid</i>
What Grants and Conveyances by Bishops, of Augmentation Land, void.	21
Rent-Charge of 300 <i>per Ann.</i> secured to <i>Trinity</i> lege.	22
Bishops of <i>Limerick</i> 's House, annexed to his See.	23
Ecclesiastical Rights forfeited, to be conveyed by Trustees for the repairing Churches, and Augmentation of poor Vicarages.	24
A Provifoe for the Church of <i>Limerick</i> .	25

Forgery.

A General Alphabetical Table, &c.

Forgery.

Provisoos that this Act shall not extend to Ecclesiastical Judges, and Officers in certain Cases. *Sect.* 1, 2

Franchises and Liberties.

The Church shall be free, and enjoy all her Rights. *Sect.* 1 &c.

King promiseth the same. 2 &c.

Glebes.

Churches not having above ten, may be endowed with forty Acres of Glebe. *Sect.* 1

Glebes may be exchanged. 2

Exchange to be approved of, and by whom. 3

A Jury to be returned to find the Value. 4

Churches not having twenty Acres may be endowed with twenty Acres, and by whom. 5

Ecclesiastical Persons may Exchange Glebe. 8

Demefne or Mensal Lands of Bishops how to be set apart, and let. 9

Where consent of chief Governor requisite. 10, 11

Archbishop of *Dublin* may grant Lands to a resident Curate. 12

Such Curate to be allowed by his Successor for Improvements. 13

Who may endow Churches with Glebe. 14

Incumbent endowing, to be allowed by his Successor. 17

Bishops may endow with forty Acres. 18

Where Benefices are united, one only can be endowed. 20

Allowance to an Incumbent, building. 21

Grantees of Glebe not to be Freeholders. 23

Deans and Chapters may endow Vicarages, &c. with Glebe. 25

When several Deans and Chapters consent, of one sufficient. 26

Ecclesiastical Persons may exchange Rectories, Vicarages, Tythes. 27

Tenants in Tail, may grant Glebe. 30

Who

A General Alphabetical Table, &c.

Who may grant Lands in Trust.	31
Remedy for Rent in Arrear.	32
Arrear to be paid by the Successor.	33
The Rector to exhibit an Acquittance to the Bishop.	34
Neglecting to make Improvements Profits may be sequestred.	35
Where the Rector shall not Demise the Lands granted.	36
Curate in absence of Rector, to have the Profits.	37
Rectors, &c. to build on Benefices worth 150 <i>l.</i> or the Remedy.	38
Ecclesiastical Persons may endow with 20 Acres, where the Church hath but 10 Acres.	39
Deans and Chapters may endow with twenty Acres, where the Church hath but ten Acres.	40
Rector building to be allowed by his Successor.	41
Tenants for Life may grant <i>Glebe</i> .	43
Inquest may be held of the Value.	44
Grantees and their Successors to perform all Covenants.	46
<i>Glebes</i> may be exchanged.	48
Chief Governor may unite and separate Parishes and <i>Glebes</i> .	49

Grants.

See *Letters Patents*, per tot.

Hearth-Money.

Hearths within the site of Colleges, Hospitals, or Alms-Houses, free from Hearth-Money.	<i>Sect. 1</i>
Houses within the site of <i>Collegiate</i> or Cathedral Churches shall not be discharged.	2

Heretico Comburendo.

This Writ taken away, but this Act not to abridge the Power of Ecclesiastical Judges in certain Cases. 1, 2

High-Ways.

Constables and Church Wardens when to choose Surveyors of the High-Ways.	1
And shall at the same time appoint the 6 Days.	2
Time enlarged to the 1st. of <i>August</i> .	3

A General Alphabetical Table, &c.

A Vestry when to be called to appoint Overseers. 4
Directors to be appointed at the same Time. 5

Holy-Days.

What Days appointed to be kept Holy. 1, &c.
Penalty for a Breach. 7
Penalty on Constable or other inferior Officer not
executing the Punishment. 8
No Magistrate to execute the Statute for any Offence
to himself or if Complaint not in 10 Days. 9
This Act to be given in Charge at Assizes. 10

Hospitals.

Power of the Ordinary concerning them. 1
Devise by Doctor Stephens. 2

Incontinency of Priests.

Power of the Ordinary to punish. 1

Intestates.

See *Administration* all thro'.

Incumbent.

Kings Presentee not to be received until he re-
covers by Law. 2
Incumbent to begin his Suit within a Year. 3
How Incumbent put out without Process may sue. 4

Indicavit.

Indicavit when to be granted. 1

Inventory.

Inventory how to be made a Penalty on ordinary
refusing to take the same. 1, 2
What shall not be accounted part of the Goods and
Chattles of the Deceased. 3

Judgments.

Where a Prelate, 2 Earls and two Barons, shall have
power to hear Complaints for delay of entering Judg-
ments. 1

Jurisdiction.

A General Alphabetical Table, &c.

Jurisdiction.

Where the King's Courts may discuss a Matter debated in the Spiritual Court upon different Reasons. 1

Cognizance of avoidance of Benefices belongs to the Ecclesiastical Judge. 2

Juris Utrum.

Where a *Juris Utrum* shall be granted. 1

Juris Utrum. See *Parsons &c.* Discontinuance of Process

Justices of Peace, See *Forcible Entry.* 1 *Holy-days.* 8, 9

Lords Day. 4, 10. *Marriages, sparsim.* *Papists per tot.*

Parish Clerks. 1. *Religion.* 2. 14. 15. 19. *Rome sparsim.*

Schools. 13, 14. *Swearing, per tot.* *Tythes* 13. &c. *uniformity sparsim.*

King.

What Parsonages and Churches the King shall have as united to his Crown. *Seet.* 1

King. See *Advowson.* f. 9, 10, 11. *Bishops per tot.* *Contra formam Collationis.* 1. *Excommunication,* 2. *Forfeited Estates.* 1. &c. *Franchises and Liberties.* 2. *Incumbent.* 2, 3. *Leases.* 1. 4. *Letters Patents. per tot.* *Maintenance.* 1. *Mines* 11. *Mortmain. per tot.* *News per tot* *Papists.* 4. 15. 29. *Praemunire per tot.* *Prerogative.* 1. *Presentation.* 2. *Provisors sparsim.* *Quare impedit.* 2. *Religion* 13. *Religious Houses, per tot.* *Rome, sparsim.* *Spiritual Persons, sparsim.* *Supream Head, per tot.* *Vacation of Bishopricks per tot.* *Vicarages per tot.* *uniformity sparsim.*

Law Proceedings.

All Proceedings to be in English. *Seet.* 4. &c.

Lapse. See *Advowson.* 4. &c. *Spiritual Persons* 38. &c. *uniformity.* 26. &c.

Leases.

Leases by Kings Commissioners of the Lands or religious Houses, suppressed, good. 1

Leases and Charges by Spiritual Persons good only during Residence. E e 2 3

Leases

A General Alphabetical Table, &c.

Leases may be of Glebe granted by the King.	4
Leases by ecclesiastical Persons, how and from what Term to be made.	5
In what Cases they may make Leases for sixty Years.	6
May make Leases of Houses in Towns, for forty Years.	7
Rents upon said Leases how to be reserved.	8
Saving for Archbishop of <i>Ardmagh</i> .	9
How Demesne Lands Archbishop of <i>Tuam</i> to be fixed.	10
How Remainder of his Demesne to be leased.	11
Leases of Tythes by Members of Cathedral Churches, good only during Incumbency.	13
Church Leases of Bogs, and unimproved Grounds.	16, 17, 18
Leases by Incumbents in Towns for sixty-one Years.	19
Such Leases may be renewed for forty Years.	20
Leases. See <i>Spiritual Persons, sparsim.</i>	

Letters Patents.

What the King's Grants shall not convey without Express Words.	<i>Sect.</i> 1
A Confirmation of the King's Letters Patents.	2
Grantees of the King, or of other, shall have the like Advantage as the Grantors.	4
Lessees and Grantees, for Life or Years, to have like Remedies against Grantees of the Reversion as against the Lessors or Grantors.	5
A Confirmation or Letters Patents.	6
This Act, &c. construed in Favour of the Patentees.	8
Proviso for Ecclesiastical Persons.	9

Libel.

Copy thereof to be delivered, on Defendants Appearance.	<i>Sect.</i> 1
---	----------------

Library.

Archbishop of <i>Ardmagh's</i> Library, vested in Trustees.	<i>Sect.</i> 1
---	----------------

Limitation.

A General Alphabetical Table, &c.

Limitation.

This Act not to extend to Writs of Right of Ad-
vowson, &c. Sect. 1
Nor to Ecclesiastical Rights. 2

Lord's Day.

Penalty for Breach thereof, and who to see the Execu-
tion of this Stat. *per tot.*
What Things may be sold on this Day. 5
No Process to be executed on this Day, 8
Lord Chancellor. See *St. Andrews.* 1.

Maintenance.

Presentment of a Church in Debate, not to be re-
ceived. Sect. 1
Statutes against Maintenance in *England* to be in
Force here. 2
Magistrates. See *Uniformity.* 9

Marriages.

What Marriages lawful. 1, &c.
Bigamy, Felony of Death by this Act. 4, &c.
What marriages by a Justice of Peace good. 8, 9
Penalty for marrying Heiresses, without Certifi-
cates. 10, 11
Penalty on Minister, &c. celebrating such Marriage. 1, 2
Penalty for marrying without Certificate. 13
Penalty for marrying a Soldier. 14
Penalty on Protestant marrying a Papist. 17
Penalty for inveigling and marrying Heirs and
Heiresses. 19, 20, 21, 22
Penalty for celebrating such Marriage. 23, 24
Penalty for forcing away Women. 25
Penalty on Popish Priests marrying Persons within
6 Ann. 27. 28
Penalty on Popish Priest, degraded Clergymen, and
Laymen, celebrating Marriage.

Justices

A General Alphabetical Table, &c.

Justices of Peace may summon Persons upon Suspicion. 29

What Contracts shall void a Marriage subsequent 32

Marrying a second Wife, first living, Felony without Transportation. 33

Marshalsea.

Clergymen to pay such Fees as Laymen. *Sect. 1*

Marriage of Persons under 21, entitled to what fortune, without Consent of Parent, &c. void 34

Suit may be commenced to annul such Marriage, by whom. 35

Marriage or Contract good, if Suit not commenced within a Year. 36

Forfeiture and Penalty, for marrying such Persons. 37

Ministers under what Cautions to publish Banns, or Penalty. 38

Penalties by former Laws on Persons contracting, celebrating, or being present at clandestine Marriages, not lessened hereby. 39

This Act to be read in Churches, four Times a Year. 40

Master of the Rolls. See St. Andrews, 1.

St. Michans.

Regulation of that Parish. 1, &c.

Mines and Minerals.

Ecclesiastical Persons may set Leases of Mines, and at what Rent. *Sect. 1*

Liberty of Leases, and Difference, how to be determined. 2, 3, 4

What Places Lessees shall not dig. 5, 6

Lease by Mortgagee void, if without Consent of Mortgagor. 7

Mine without, what Time, and how to be worked by Lessee or Lease, void. 9

Saving to the King, all Right of Pre-emption. 11

Ministers.

A General Alphabetical Table, &c.

Ministers.

Ministers Money out of Houses in *Dublin*, and other Towns Corporate, how, and by whom to be charged, and in what manner recoverable. 1, &c.

Penalty on Church Wardens, neglecting their Duty. 3, &c.

Ministers See *Apprentices*, 1. *Appropriations*, per tot. *Arrests*, 1, 2. *Dublin*, 4, 14, 16. *Fine*, 3. *Forfeited Estates*, per tot. *Glebes*, per tot. *Holydays*, per tot. *Leases*, 3, 4, 5, &c. *Letters Patents*, 9. *Marriages*, per tot. *Parish Churches*, per tot. *Poor House*, per tot. *Quod permittat*, 1. *Schools*, 27. *Spiritual Persons*, per tot. *Uniformity*, per tot. *Watches*, per tot.

Mortmain.

What shall be a Grant in Mortmain, and the Forfeiture incurred thereby. See this Title.

News.

Penalty for reporting false or slanderous News.

Sec. 1, &c.

Nisi Prius

Where Judgment may be given in *Affizes of Quare Impedit*, and *Darrien Presentment*. *Sec.* 1. 14 *Edw.* 3. *Cap.* 6.

Nobility of Ireland.

Lords of Parliament, resident in *England* to pay Publick Charges. *Sec.* 1

Novel Disseisin. See *Quod permittat*.

Officers and Offices.

Ecclesiastical Dignitaries, may grant antient Offices. *Sec.* 1

Oaths. See *Religion*, per tot.

Ordinaries.

A General Alphabetical Table, &c.

Ordinaries.

- To satisfy Intestates Debts, out of his Goods. Sect. 1
 Temporal Justices not to enquire of Process, awarded by them. 2
 Oppressions or Extortions, by them to be put in certain, before impeached thereof. 3
Ordinary. See *Administrators, and Bishops.*

Papists.

- Popish Clergy to depart this Kingdom, or the Penalty. Sect. 1, 2
 Penalty for coming or returning into the Kingdom. 3
 Concealing such Papists, the Penalty. 4
 Justices to summon the Concealers. 5
 None to bury in the suppressed Monasteries, or Penalty. 6
 Justices to issue Warrants against Popish Clergy, and for suppressing Friaries. 8
 To give an Account for their Proceedings at next Quarter Sessions. 9
 Penalty on any Officer neglecting his Duty. 10
 Penalty on Popish Clergymen coming into this Kingdom, after *January, 1703.* 11
 Any Person may apprehend them. 12
 Penalty on Officers neglecting their Duty. 13
 Returning into this Kingdom, where triable. 14
 Advowson, &c. of Papists, to be vested in the King. 15
 Pilgrimages unlawful. 16
 Meeting at Wells, the Penalty. 17
 Selling Ale at such Meetings, the Penalty. 18
 Magistrates to demolish Crosses, &c. 19
 What Popish Priests to return their Names. 20
 Or Penalty. 21
 Clerks of the Peace, to transmit such Return, or the Penalty. 23
 Popish Priests converting, to have 20*l.* yearly. 24
 Popish Priests not to have Curates, &c. 25
 Neglecting to register themselves, the Penalty. 26

This

A General Alphabetical Table, &c.

This Act to be given in charge at the Assizes.	27
Penalty on unregistered Priests.	28
Magistrates to apprehend them.	29
Popish Priest converting, to have 30 <i>l.</i> yearly.	30
Penalty for keeping a Curate, &c.	31
Reward for discovering Papists, exercising Ecclesiastical Jurisdiction.	32
Two Justices may summons Persons, as to their hearing Mass.	33
Penalty for not appearing.	<i>ibid</i>
Examination, pursuant to this Act, to be in thirty Days.	34
Registered Priest to take the Oath of Abduration, or Penalty.	35
Penalty for refusing the Oath of Abjuration, payable to Church-Wardens, &c.	36
Priest to officiate in his Parish, only for which registered.	37
Popish Clergy to be transported, to be sent to Goal.	38
Ships refusing them, not to be discharged, or Penalty on the Officer.	39
Allowance for Transportation.	40
Found out of the Custody of Merchant, or Master, the Penalty.	41

Parish Churches.

Parish of <i>Fanlobbus</i> .	<i>Sect.</i> 1
<i>Drumaul</i> Parish.	2
<i>Finvoy</i> Parish.	3
<i>Kilead</i> Parish.	4
<i>Killcomin</i> , alias <i>Hollymoath</i> Parish.	5
<i>Aglish</i> , alias <i>Castlebar</i> Parish.	6
<i>Inishargy</i> Parish.	7
<i>Rings-end</i> Parish.	8
<i>Arklow</i> Parish.	9
<i>Tynan</i> , and <i>Derrynoose</i> Parishes.	10
<i>Killevy</i> Parish.	15
<i>Tartaraghan</i> Parish.	16
<i>Arboe</i> Parish.	22
<i>Killkeevin</i> Parish.	25
<i>Oran</i> Parish.	26
<i>Staplestown</i> Parish.	27
<i>Churchtown</i> Parish.	28
<i>Castlemarter</i> Parish.	29

A General Alphabetical Table, &c.

<i>Garrycloyne, and Inistar Churches.</i>	30
<i>Aghada Parish.</i>	31
<i>Killwatermoy Parish.</i>	32
<i>Carrowgallen Parish.</i>	33
<i>Drumgagh Parish.</i>	34
<i>Shankill Parish.</i>	35
<i>Killmore and Killcomin Parishes</i>	36
<i>Drumgoone Parish.</i>	37
<i>Kiltullagh Parish.</i>	38
<i>Newborough Parish.</i>	39
<i>Ennis Mc. Saint Church.</i>	40
<i>Slane Parish.</i>	41
<i>Caine Parish.</i>	42
<i>Donamon Parish.</i>	43
<i>Castleblackney, alias Killofolan Parish</i>	44
<i>Ballymackward Parish.</i>	45
<i>Killpatrick Church.</i>	46
<i>Killsaran Parish.</i>	47
<i>Scites to be inclosed.</i>	48
<i>Patrons may agree upon the Presentation.</i>	50
<i>Chief Governor and Council may divide and unite Parishes.</i>	51
<i>Residence not discharged by union.</i>	52
<i>Chief Governor, &c. may direct necessary Churches to be built.</i>	53
<i>Patron of the old to be Patron of the new Church.</i>	54
<i>Chief Governor, &c. may divide the Patronage on an Union.</i>	55
<i>Saving for the King.</i>	56
<i>Disappropriation of a Rectory, what.</i>	57
<i>Unions, Divisions, and Appropriations, to be enrolled in Chancery in six Months.</i>	58
<i>Endowment may be with Glebes or Tythes.</i>	59
<i>Rectories, &c. may be exchanged.</i>	60
<i>On Exchanges some Duties to be performed.</i>	61
<i>New Chancels by whom to be repaired.</i>	62
<i>On an union impropriated, &c. to be contributed only towards the Maintenance of a Curate, &c.</i>	63
<i>Clause repealed by 1 Geo. 2. c. 19.</i>	64
<i>Burgens of Cloyne annexed to the See.</i>	65
<i>Archbishop of Dublin to have 26<i>l.</i> in lieu thereof.</i>	66
<i>And may Distrain for the same.</i>	67
<i>Acts for Unions or Dis-unions to be publick Acts.</i>	68
<i>Where Chappels of Ease may be erected.</i>	69
How	

A General Alphabetical Table, &c.

How to be repaired.	70
Chief Governors, &c. may unite Benefices and Dignities to Prebends.	71
What consent sufficient for building new Churches.	72
Notice for a Vestry for that Purpose how.	73
Consent of the King Patron.	74, 75
Papists not to vote at Vestries.	76
Money assessed at Vestries how to be levied.	77
Clause in 2 <i>Geo.</i> 1. repealed.	78
Consent of the King how.	79
Where a Chappel of Ease may be erected.	80
Where Chappels of Ease in <i>Dublin</i> .	81
How such Chappels to be kept in repair.	82
On Episcopal Unions, Parishioners to repair.	83
But repairing their Parish-Church exempted.	84
Parish-Cesses for repairs, how to be levied.	85
Church-Wardens accountable to their Successors.	<i>ibid.</i>
Applotment and Account stated, Evidence.	86
Church-Wardens refusing to Account, may be afterwards admitted to Account, and aliened.	87
Parishioners how long to repair on Union by the Crown.	88
Money raised how to be applied.	89
On Union-Patron, of the united and new erected Parish, may present and how.	90
Clerks so presented intitled to all Benefits, as if separately presented.	91
Where Patron may present, to the new erected Parish.	92
Induction into new erected Parish how.	93
Bishop to settle Portion of First-Fruits, &c. of the Parts separated.	94
Certificate thereof, to be returned into the Exchequer.	95
Church-Wardens of such Parish how to be erected.	96

Parish-Clerks.

Their Dues how recoverable.	I
Parson. See <i>Advowson</i> , 7. <i>Church-Yard</i> , 1. and <i>Tit. Ministers, and Ecclesiastical Persons</i> .	
F f 2	<i>Papists.</i>

A General Alphabetical Table, &c.

Papists. See *Marriages*, *spasim.* *Religion*, 13.
Schools, 6, &c.

St. Patrick's.

River or Poddle in *St. Patrick's* not to be stopped,
 or Penalty. 2

Rules concerning *St. Patrick's*. 3, &c.

Patron. See *Advowson*. 4, &c.

Pious Uses.

To what Pious Uses, Archbishops and Bishops,
 may make Grants. 1, 2

Plantation Lands and Planters.

Rights of Ecclesiastical Persons saved by this Act. 2

Poor.

A piece of Ground in *Cork* vested in Trustees for
 their use. 1

Disbursement of Money for their Maintenance, how
 to be directed. 2

Privilege. See *Convocation*. 1

Poor. See *Appropriation*, 1. *Dublin*, 6, *Religion*. 3

Pope. See *Præmunire*.

Præmunire. See *Provisors*, 1, &c. and 32, &c.

Presentation. See the *Titles under Ecclesiastical*
Persons, and Union. 1, 2

Prohibition. See *Costs*.

Poor-House.

Poor-House Money, how to be levied and ascertain-
 ed. 1

Over-seers of the Poor how to be elected. 2

Parish-Cesses for Relief of such Poor, how to be settled:

Duties on Houses, how to be collected by Church-
 Wardens. 3

Penalty on such behaviour. 4

Valuation of Extraparochial Parishes. 5

Governors to receive Foundlings, and additional
 Duty for them. 6

How

A General Alphabetical Table, &c.

How the said additional Duty, to be valued and collected.	8
Receivers thereof to be appointed.	10
Penalty on Church-Wardens neglecting.	11

Præmunire.

Taking Benefices from aliens, purchasing them in this Realm, or procuring them abroad, <i>Præmunire.</i>	1, 2, 3
Purchasing Bills, &c. from the Pope, <i>Præmunire.</i>	4, 5, 6, 7
Seducing, &c. from the Protestant to the Popish Religion.	8

Prærogatives.

Wherein King's Grant, Advowson shall not pass.	1
--	---

Presentation.

What shall disappropriate, an Appropriation.	1
Saving for the King.	2

Probat of Testaments.

Bishops to restrain their Officers, from taking excessive Fees for Probats.	1
---	---

Prohibition and Consultation.

In what Cases Prohibitions will lie, in what not. See this Title.	
---	--

Provisors.

See this Title, several Statutes against Provisors.	
---	--

Quare Impedit.

Essoign in <i>Quare Impedit.</i>	1
Where a Bill may be preferred against the Clerk Defendant, for an Account of Profits.	2
Writ of Error therein.	4
What allowing Bishop may grant during Continuance.	5
Effect of an Usurpation during Avoidance.	6
<i>Quakers.</i> See <i>Religion.</i>	17

Quarta-

A General Alphabetical Table, &c.

Quarta-Pars.

Quarta-Pars, within the Diocess of *Tuam* and *Enaghdoen*. See this Title, the Disposal thereof.

Quare Impedit. See Advowson, Darrein Presentment, Days in Bank.

Essoign, 1. *Nisi Prius*, 1. Recoveries.

1, 2.
1

Quod Permittat.

Where the Successor of a Parson, shall have a *Quod Permittat*.

1

Quo Warranto.

Bodies Corporate Ecclesiastical restored.

1, 2

Recoveries.

Recoveries of Advowson to have Remedy, as the Persons against whom they recover.

Sect. 1

Rectories Impropropriates.

Rectories Impropropriate with the Titles, &c. vested in certain Trustees.

1, &c.

Religion.

Stat. of Uniformity, not to extend to Dissenters taking the Oaths.

1

Justices of Peace to Administer them at Sessions.

2

Fees to the Officer.

ibid.

Penalty on dissenting Assemblies shutting their Doors.

3

Not Exempt from Tythes.

4

Dissenters may execute Parochial Officers, &c. by Deputy.

5

Responsible for their Deputies.

6

Not to be Deputy Church-Wardens, two Years successively.

7

Preachers of such Congregations taking the Oaths, not liable to Penalties.

8

Taking the Oaths to be recorded at Sessions, and Fee therefore.

9

Preachers

A General Alphabetical Table, &c.

Preachers taking the Oaths, to enjoy the Privilege of Dissenting-Ministers. 10

Preachers taking the Oaths, their Privileges. 11

Laws against Recusants to be in Force, unless they come to some Assembly. 12

This Act not to give Ease to *Papists* or *Popish* Recusants, or in preaching, &c. denying the Trinity. 13

Coming into Church, or any Congregation permitted by this Act, to disturb the same, the Penalty. 14

No Assembly allowable, till place of meeting certified to the Bishop, &c. 15

Certificate to be registered or recorded, and Fee. *ibid.*

Taking the Oaths, &c. exempted from part Penalties. 17

Quakers making and subscribing Declaration, exempted from said Penalties, and enjoy Privileges of Protestant Dissenters. 17

Dissenters taking the Oaths, not to be sued for Non-conformity in Ecclesiastical Courts. 18

Protestant Dissenters prosecuted for Non-conformity, excepted, if they qualify according to this Act, during such Prosecution. 19

Religion. See *Pæmunire.*

Religious Persons. See *Ability*, 2, &c.

Representation. See *Administrators.* 9

Reversion. See *Letters Patents.* 4, 5

Religious-Houses.

See this Title several Religious-Houses vested in *Hen. 8.* and *Queen El.* See *Tit. Ability.*

Residence.

Beneficlers obliged to reside.

Rome.

See this Title, the Jurisdiction of that. See taken away, and the Penalty for Appealing to it, or Maintaining the Ecclesiastical Jurisdiction of any Foreign Prince, or Prelate.

Schism.

A General Alphabetical Table, &c.

Schism.

Keeping a School Writs subscribing Declaration or License of the Bishop, &c. the Penalty.	1
Requisites to be performed before Bishops grants a Licence.	2
How Benefit of such Licence may be forfeited.	3, 4, 5
Not punishable twice for same Offence.	6, 7
Tutors excepted.	8
Foreigners teaching Foreigners excepted.	9
Persons convicted, may be qualified on confirming	10, 11
What Tutors excepted,	12
<i>Sabbath. See Lord's Day.</i>	

School and Schoolmasters.

Not able to keep their Children at School shall bind them out.	1
Free-Schools to be in every Diocess, and who to nominate the Master.	2
Schoolhouse to be in the principal Shire Town.	3
Governor and Council may appoint Schoolmaster a Pension, and by whom payable.	4
Ecclesiastical Livings, where liable to this Payment.	5
Papists not to be Schoolmasters or Penalty.	6, 8
Qualification of Schoolmaster or Penalty, and Penalty on Person entertaining him.	9, 10, 11
Reward for discovering such Schoolmaster.	12
Justice may summon touching the Being, &c. of such.	13
How to be Transported.	14
School-masters and Mistresses Wages how recoverable.	15
Bishops may grant two Acres, other Ecclesiastical Persons one Acre for the Use of a Schoolmaster.	16
Bishops, &c. may grant an Acre for the Use of a Free-Schoolmaster of a Diocess.	18
No Presentment for building a Free-School until a place appointed.	20
Money levied to whom to be paid.	21
Clergymen obliged to pay, at Visitation Yearly or their Benefices to be sequestred.	22
	Power

A General Alphabetical Table, &c.

Power of Archbishop of <i>Ardmagh</i> herein.	23, 24
Exchange of Lands by Schoolmasters Writs his consent.	25
Tenants in Fee in Tail, or for Life may grant an Acre for a School.	27
Schools and Schoolmasters, See <i>Schism, and Uniformity.</i>	21
<i>Scire facias</i> , See <i>Administration.</i>	1
Sheriff's Turn, See <i>County and Turn.</i>	

Settlement.

Rights of Ecclesiastical Persons saved by this Act, See <i>this Title.</i>	
<i>Settlement</i> , See <i>Forfeited Estates, &c.</i>	

Spiritual Persons.

Persons incapable to hold Benefices in <i>England</i> and <i>Ireland.</i>	1, 2
Ecclesiastical Persons building on their Demesne or Glebe, what Allowance to have from their Successors, and how to be ascertained and paid.	4
May by Consent purchase Houses already built, and what Allowance to have.	5
Suffering Buildings to decay, Remedy against them.	8
Glebe convenient to be built on, not to be aliened above a Year.	9
Certificates upon this Act, to be registred and good on Trials at Law.	10
Bishops may appoint Curates, and their Allowances, Disputes between Rector and Curate determinable by the Bishop.	12, 13
Certificates according 10. <i>Cl.</i> what to contain.	14
Building what to have from Successors, &c.	15
None to pay above a Year and a half's income.	16
Materials of Buildings, except Livings under 100 <i>l.</i> per <i>Ann.</i>	17
Bishop having but one hundred Acres Mensal Lands may purchase two hundred more, reserving a Rent	18
May have such Portion of the purchase Money, and for building thereon as aforesaid.	19

A General Alphabetical Table, &c.

- Notice of building and the Dimensions thereof to be given to the Person who is to give the Certificate. 20
- Wainscot no Improvement unless Benefice worth three hundred Pound *per Annum*. 21
- The chief Governors may appoint Commissioners to view Improvements, their Power and Complaint of the Successor of Dilapidations; how determinable. 22
- Archbishops and Bishops may inform themselves of the yearly Value of Livings worth only thirty Pound yearly and shall Certifie the same to the Commissioners of the First Fruits. 25
- Any Person may augment such Livings with a Gift not above seventy Pound *per Annum*, who shall afterwards be Patron. 26
- Two joyning in such Augmentation to present by turns. 27
- Chappels how to be erected, and to be assured thirty Pound yearly, and not above fifty Pound 28
- Two joyning to erect such Chappels shall nominate by turns. 29
- The Founder shall be Patron, and the Chappel called by his Name. 30
- Churches, Curacies, and Chappels augmented, erected and endowed by this Act to be perpetual Acres and Bodies politick. 31
- Tenants in Fee may endow or augment. 32
- Grants by this Act good whether Church full or vacant at the time of such Grant. 33
- Consent of Commissioners of First Fruits necessary. 34
- Impropriators or Patrons of augmented Churches, &c. not to be benefited thereby. 35
- Cure of Souls and Parochial Rights, except such augmentation, to remain in the same plight. 36
- Such Churches and Chappels subject to the Jurisdiction of the Bishop. 37
- Such augmented Cures remaining void 6 Months without nomination, shall lapse to the Bishop. 38
- Such Church, &c. to be void of Incumbent absent above sixty one Days in a Year without Licence. 39
- No Lapse to incur thereby until after six Months Notice by the Ordinary. 40
- Nomination before Advantage taken by the Ordinary sufficient. 41

A General Alphabetical Table, &c.

Ecclesiastical Persons may allow Tenants for enclosing Woods. 42

Where Tenant shall receive third Part of the Value of the Wood. 43

Bishop Licensing a Curate to appoint him a Stipend not above fifty nor under ten Pound *per Annum* 44

Where Maintenance insufficient, it may be enlarged. 45

Disputes between Incumbent and Curate, to be determined by the Ordinary. *ibid.*

Ecclesiastical Persons what to receive from their Successors. 46

Dying or removed within a Year not to be accounted a Successor. 47

What Successor chargeable with building and Improvements. 48

Money how to be paid by Successor. 49

Additional Certificate of the yearly Value, when and by whom. 50

Certificates what to contain. 51

Giving an Account of Improvements a fortnight before begun sufficient. 52

Spiritual Courts. See *Ecclesiastical Courts.*

Statutes. See *Execution of Statutes.*

Sunday. See *Lord's-Day.*

Supream Head.

The King supream Head of the Church. 1

Visitors guilty of Exactions Penalty. 2

Swearing.

Penalty for Swearing and Offence within what time to be proved. See this Title.

And Penalty on Magistrates neglecting their Duty. *ibid.*

Twentieth Part.

See this Title, Payment thereof out of all Spiritual Livings to the King, but released by Letters Patents of Queen, which are confirmed by 2 *Geo. c.* 15.

A General Alphabetical Table, &c.

Tythes.

See this Title, three old *English* Statutes concerning them, to be set out and paid according to the Custom of the Parishes. 4

Detainers, may be conversed before the Ecclesiastical Judge. 5

Costs on Appeals. 6

Refusing to pay after Sentence, 2. Justices may commit the Party to Goal. 7

No Suit to be for Tythes, out of Lands discharged. 8

Remedy upon being disseised, or outed of Tythes, Parsonages, &c. 9

Writs concerning them in *Chancery*, and Judgments upon them, to be of the same Force, as if concerning Lands. 10

Remedy for Tythes to be in the Ecclesiastical Courts. 11

Tythes and Dues not above forty Shillings, to be set out and paid according to the Customs of the Parish. 12

Two Justices may Determine therein. 13

Justices to be worth one hundred Pound yearly, in Freehold. 14

But, if interested, or not resident in the County, disqualified. 15

Persons neglecting ten Days to pay, may be levied by Distress. 16

Complaint to be in two Years. 18

Appeal lies to the Sessions. 19

On Prescriptions Modus, &c. insisted on, and giving the Justice Security, to pay Costs and Damages on a Tryal at Law, Justices not to proceed. 20

Justices Judgment, may be enrolled at Sessions. 21

Removing out of the County before the Sum levied, Justice in the other County may levy it by Warrant, on a Certificate of a Justice giving Judgment. 22

Justices not to give above ten Shillings Costs. 24

Sued for doing any Thing in Execution of this Act, to have double Costs, on discontinuance nonsuit, &c. 25

Suing in the *Exchequer*, to have no Benefit by this Act. 26

Distress

A General Alphabetical Table, &c.

Distress to be of Goods nearest the Sum adjudged.	27
Obtaining Judgment, not to sue in the <i>Exchequer</i> , or Ecclesiastical Court.	28
If Value not above five Shillings, one Justice may determine.	29
Unprofitable Lands improved, of what Tythes to be free, and for what Time.	30
But Lands paying Tythes before, not to be dis- charged.	31
Tythes. See <i>Advowson</i> . 7. <i>Appropriation</i> . 5, 6. Costs. 8. <i>Forfeited Estates</i> , <i>parfim</i> . <i>Glebes</i> , 25. <i>Parish Churches</i> , <i>parfim</i> . <i>Prohibition</i> , per tot. <i>Rectories Improprate</i> , per tot.	
Treason. See <i>Rome</i> , 32.	
Taxes. See <i>Dublin</i> .	

Vacation of Bishopricks.

Their Possession how to be disposed of during Vac-
ation. See this Title.

Vicarages.

Vicarages of Churches, Parcel of any, the religious
Houses dissolved.

Vicar how, and by whom to be appointed. 1, 2, &c.

Vicars. See *Parsons*, &c. *Ecclesiastical Persons*.

Vice Treasurer. See *St. Andrews*, 1.

Uniformity.

What Form of Service Ministers shall use.	<i>Sec.</i> 1
Refusing to use it, or using any other, the Penalty.	2
Depraving <i>The Book of Common-Prayer</i> , or inter- rupting the Minister in the Service, the Penalty.	3
Penalty for not going to, or behaving disorderly in Church.	4
Ordinaries Power in executing this Act.	5
Offences Determinable at Assizes or Sessions, and Bishops may associate themselves with the Justices.	6
Prosecution to be at the next Sessions.	7
Lords of Parliament for their third Offence, to be tried by their Peers.	8
Lord Mayor of <i>Dublin</i> , his Power.	9

The

A General Alphabetical Table, &c.

The Offences enquireable, and punishable at Visitation.	10
Ornaments, Ceremonies, and Rites of the Church, may be altered.	11
Service of the Church to be in Form, in <i>The Book of Common-Prayer</i> .	14
Form of the Assent and Consent to be declared.	16
Parsons in two Months after presented, to read in their Churches the Morning and Evening Prayers, and declare their Assent, or be deprived, <i>ibid</i> , and	17
Incumbent residing, and having Curates, shall read once a Month <i>The Common-Prayer, and Service, &c.</i> or Penalty.	18
Declaration taken away.	19, 20
Penalty on School-Masters teaching without Licence of his Bishop.	21
None qualified for Benefices, &c. or to administer the Sacrament, before ordained a Priest.	25
No Lapse until six Months Notice to the Patron, by the Ordinary.	26
Form of <i>Common-Prayer</i> , to be used in Colleges, and every Head to subscribe the 39 <i>Articles</i> , within a Month after Admission, and declared his Assent, Governors in Orders to read said Form of Prayer, once every Quarter or Penalty.	27
The Form may be used in <i>Latin</i> , in Colleges, and at Convocations.	28
Requisites for the Qualification of a Lecturer.	29, 30
Penalty on disabled Persons officiating.	31
Service to be read before Sermon.	32
Not to extend to Colleges.	33
Names and Titles of the Royal Family and Government, to be altered as Occasion requires.	35
The Book for Consecration of Bishops, confirmed	37
Subscription to the 39 <i>Articles</i> , which construed to extend to.	38
<i>Usurpation. See Advowson. Quare Impedit.</i>	6

Union.

What Personages or Vicarages the Bishop may unite.
Sect. I

Presentation

A General Alphabetical Table, &c.

Presentation of the Patrons, how.

Union. See Parish Churches. *sparsim.*

St. Warborough's.

See this Act, being made for the building of this Church. *Sect. 1*

Watches.

Supervisors and Constables, how to be erected, and Office of Church-Wardens. *Sect. 1, 2, &c.*

Wills.

No Administration to be granted of the Goods of a *feme Covert*, in her own Right.

Wills. See *Fees.*

Woods. See *Spiritual Persons*, 42, 43.

Women. See *Marriages*, per tot.

F I N I S.

B O O K S lately Printed for, and Sold by
PHILIP CRAMPTON, Bookseller, at *Addi-*
ton's-head, over-against the *Horse-guard,* in
Dame-street.

R O B B I N S's Abridgment of all the Irish Statutes,
from the first Session of the Reign of King Ed-
ward the 2d, to the End of the 12th Year of his pre-
sent Majesty King George the 2d. Together with
an Abridgment of all the English Statutes in Force
in Ireland, from Magna Charta, to the End of the
14th Year of his present Majesty King George the
2d. Price bound 19s. 6d.

N. B. The Abridgment of the Three last Sessions to
be had separately, at a British Shilling each.

Spectators, 8 Vols 12mo. Fine Paper, bound 18s.

----- Ditto, Common Paper, 8 Vols bound 16s. 6d.

Ninth Volume to Dimo, bound 2s. 8d. halfp.

Pope's Homer, 6 Vols. 12mo. with 32 Copper Plates,
bound 16s. 3d.

Love Letters between a Nobleman and his Sister, with
the History of their Adventures, in Three Parts,
bound 3s. 6d.

The last Edition of the Independent Whig. In two
Vols. 12mo. bound 5s. 6d.

Congreve's Dramatick Works. bound 3s. 3d.

Wicherley's Plays, bound 2s. 8d. halfp.

The Skimmer, or the History of Tanzai and Nea-
darné, an entertaining Novel, translated from the
French, bound 2s. 2d.

The Military History of the late Prince Eugene, and of
the late Duke of Marlborough, including a particular
Description of the several Battles, Sieges, &c. in
which either or both those Generals commanded. In
4 Vols. 8vo. bound 17s. 6d.

The Works of Francis Rabelais. In 4 Vols. 12mo.
bound 10s. 10d.

The Turkish Spy, in 8 Vols. 12mo. bound 18s.

Gentleman's Pocket Farrier, 12mo. bound 1s. 1d.

Belloste's Essay on Mercury, with an Account of the
many wonderful Cures performed by it, 12mo.
bound 1s. 7d. halfp.

Dryden's Juvenal, 12mo. bound 3s. 3d.



THE COMPLEAT
TYTHES-MAN;
Or, an Exact
T A B L E,

Wherein the Nature of **TYTHES**, and
all Things **TYTHABLE** are shewn.

With an Account of *Compositions, Transacti-
ons, Customs, Prescriptions, and Privileges,*
distinguished under their proper Heads.
With References to Adjudged Cases and
Statutes relating to **TYTHES**.

T**YTHES** are a tenth Part of the En-
crease yearly arising from the Profits of
Lands, Stocks upon Lands, and the In-
dustry of the Parishioners; payable for the Main-
tenance of the Parish Priests, by every one that
hath Things tythable, if a special Exemption
cannot be shewn. They were first appointed by
Moses, to be paid the Sons of *Levi*, of all lawful
Things, as appertaining to God.

They are either Predial or Personal.

Predial are those which immediately arise from
the Land, either by Manurance, or of its own
Nature; as Grain, Hay, Wood, Fruits, Herbs,
&c. payable when they arise.

Personal are those which arise only from the
Labour and Industry of Man, being the tenth
Part

2 *The Compleat Tything Table.*

Part of his clear Gains in his Trade or Profession; as for Mills, or Fish caught at Sea, payable only by Custom.

These are sometimes mixt; such as those that arise partly from Cattle, and other things that receive their Nourishment immediately from the Ground; and partly by Industry in the Management of them, as Colts, Calves, Pigs, Wool, Lambs, Milk, Cheese, Chickens, Eggs, &c. payable where they arise.

TYTHES, with respect to their Value, are distinguished into Great and Small.

Great, as Corn, Pulse, Hay, Agistments, Timber, &c. which are generally due to the Rector.

Small, as Seeds of Flax, Millet, Leek, Onion, &c. Herbs, Mint, Rue, Parsley, Cummin, Saffron, &c. Eggs, Fowl, Beasts, Fruits, Underwoods for Fuelling sold, &c. These Small are to the Vicar. But Custom will make a Great Tythe a Small, and the Quantity will turn a Small Tythe into a Great one.

Which Tythes are required by Composition, Transaction, Custom, Prescription, and Privilege.

Composition, which holdeth or faileth diversely between Clerks themselves, as translating of Tythes from one Church to another holdeth good; but these must be regarded

1. Personal, which does not hold.

2. Predial, which holdeth with the Approbation of the Bishop, and binds the Clerk and his Successors, else only the Clerk.

3. Composition: That Tythes shall be remitted,



ted, does not hold; for Tythe must not be taken away.

4. Between Laymen and Clerks, forepassed; or to come.

Forepassed. This holdeth.

To come. That Tythes be not paid at all is not to be admitted. If the Composition be not wholly paid, but in part, it holdeth; but must be confirmed by supream Authority.

Transaction differs from Composition. Composition is a voluntary Agreement, Transaction is forced of things doubtful, and holdeth, though the Things are temporal, (for the Profit of Tythes are reputed such) and Transactions of Tythes must be respected, according to the Terms. For a limited Time, or for ever.

For a limited, which holdeth with the Bishop's Approbation.

For ever. This holdeth where the Interest of the Church is doubtful; but where Right is clear it does not, otherwise than by Consent of supream Authority.

Custom holdeth or faileth many ways:

1. As in translation of Tythes Predial it holdeth.

2. If of Personal Tythes, (as is said in Composition) it holdeth not.

3. Of not paying Tythes at all holdeth not.

4. Of yelding less than a Tenth holdeth in Personal Tythes, and, in some cases, of Predial also.

5. Of the Places where Tythes ought to be left, it holdeth.

6. Of Tythes to be yielded it holdeth.

7. The Manner and Form of yielding Tythes it holdeth.

Prescription—is only different from Custom in being a Right to many procured in common. Prescription, when privately to one. *Privi-*

The Compleat Tything Table.

Privilege, or Exemption from Tythes, is derived from supream Authority to persons or Places, Colleges, Manors, Personages appropriate, &c. discharged of Tythes by the Statute, 31 Hen. chap. 13.

TYTHES may be considered as they arise from the Lands by some annual Product.

Not that Tythe is due if the Occupier has some Profit while the Ground lies fallow for its Improvement, *Dyer* 270. but, if by ill Husbandry, it is otherwise, *Stat. 2 Ed. 6. Golds. 157.* Also barren Lands improved are free from Tythes for Seven Years, *Stat. 2. Ed. 6.* but not Land gained from the Sea, 3. *Bulst. 156.* nor Marsh Lands drained, *Moor* 430. Yet barren Land, during the seven Years Improvement, pays such Tythes as have been accustomedly paid before, *We. Inst. B. 2. c. 2.* A Forest in the King's Hands (tho' in a Parish) is not tythable, but if in the Hands of a Subject, it is, 1 *Roll. Abr. 655. 3 Cro. 94.*

The Produce of Lands tythable are, 1. All Harvest Fruits, &c.

As Wheat, Rye, Barley, Oats, &c. 1 *Syd. 283. 2 Vent. 48.* The Parishioner is to cut it down, and bind in Sheaves, 1 *Roll. Ab. 644. Latch. 125.* The Parson or his Deputy may come and see them set forth, and both to take them away, and that in due Time, or the Parson may be sued as a Trespass, and the Parishioner is not bound to watch them, *Nay* 31.

Cuttings of green Tares, for feeding of Cattle, &c. Grain or Corn sown on Headlands, Peas and Beans eaten in a Man's House, Raking

The Compleat Tything Table. 5

ings and Stubble, ate not tythable, 1 *Roll.* 379.

Where Corn has grown and paid tythes the same Year, the Lands is not tythable again, 2 *Inst.* 652. Hops pay Tythe by the Pole, and the tenth may be set out before they are dried, but the Poles are not tythable, 1 *Roll. Abr.* 644. Five Shillings must be paid for every Acre sown with Hemp or Flax, before the same be carried off the Ground, *Stat.* 11 & 12. *W.* 3. *c.* 16.

2. The Herbage of the Field.

Grass, Hay, Clover, Lucerne, Cinquefoil, &c. applied to the feeding of Cattle, are tythable every tenth Cock, according to the Custom of Places. Grass cut for Sustenance of Cattle, the Owner not having sufficient otherwise, is not tythable, 1 *Roll. Abr.* 644.

Custom is in some Places to make the Grass into Hay for the Tythe, in others in Grass-cocks or Swaths only; but then the Parson may make it into Hay on the same Land, and may go over it, and carry away and break down any Gate or Enclosure erected to obstruct him, *Stat. Ed.* 6. *c.* 13. Custom in some Places to measure out the tenth Part of the Grass, and the Person to mow it, *Hob.* 250. After-month or After-Pasture pay no Tythes, unless by Custom, 2 *Inst.* 621, 652, 1 *Roll. Abr.* 640. *Cro. Ellz.* 662, *Moor* 910. *Poph.* 142. Tythes shall be paid of Grass growing in Orchards, 2 *Inst.* 652. Pasturage for Beasts kept for Plough and Cart or for Pleasure pay no Tythes, 1 *Roll.* 646.

3. Agistments, or unfructuary Profits of Lands.

Agistments, *i. e.* feeding of Cattle upon Pasture Lands, &c. Tythes are due if the Land pays

6 *The Compleat Tything Table.*

pays no other that Year, *Danv.* 600. and the Cattle must be agisted for Hire or Sale, and not fed for Plough, Pail or Labour, they being otherwise profitable to the Parson, *Winch.* 33. *Moor* 909. If Land is let to a Stranger by the Year, a tenth part of the money is due, *Hard.* 35. Otherwise, respect is to be had to the Number of Cattle, and their Time of feeding. If the owner eats it all with unprofitable Cattle, the tenth Part of the Value is payable; though Custom or Prescription may direct other kinds of Payment. —Tythes shall not be paid for young Cattle bred for the Plough or Pail, *Moor* 910. If Cattle are taken for Hire, either the Owner or Occupier may be sued, *Dan.* 614. If Tythes are paid for Wool, the Sheep shall not pay for their Herbage, 2 *Bulst.* 258. Oxen or Steers kept for Sale pay Tythes for their Pasture, but not Wethers, because they render Tythe of their Wool, *Cro. Car.* 237 And if Cows yield Milk their Pasturage is not tythable, *W. Inst. B.* 2. c. 2.

4. *Timber Trees and Underwoods, with Fruit.*

Timber Trees, Oak, Ash, Elm, &c. are not tythable, nor Trees growing in Parks, Forests, Chases; and the Branches, with the Shoots and Bark, are discharged with the Bodies, 1 *Co.* 49. when they are of twenty Years Growth, otherwise Loppings are tythable, 11 *Rep.* 48. 2. *Inst.* 643. nor Fruit Trees, 2. *Roll.* 83. nor Aspin, Beech, Hazle, Holly, Willow, Maple, &c. where used for building, 45 *Ed.* 3. 32. *Dan.* 89. But Birch is tythable, tho' of twenty Years Growth, because it is not proper for building, 2 *Inst.* 643. 1 *Cro.* 1. Old decayed Trees having been once privileged, are exempted from Tythes, tho' cut down for Fire, 1 *Rep.* 49. 81. 2 *Inst.* 643. Pollards

The Compleat Tything Table. 7

Pollards of 50 Years Growth, when fell'd, are tythable, 1 *Lev.* 1. 89. Nurseries are tythable if the Owner pulls them up; but if sold standing, and the Vendee pulls them up, he shall pay the Tythe, *Danv.* 585, 614.

Underwoods; Tythes are generally due if sold standing, payable by the Buyer if fell'd by the Seller, 1 *Inst.* 642. In like manner Broom and Furze, 1 *Dan.* 597. but are not tythable where used for House-boot, Hedge-boot, Cart-boot, *Goldf.* 151. Alders are tythable tho' above twenty Years Growth, 2 *Cro.* 199. Fruits from Oak, Beech, &c. as Acorns Mast, if they drop from the Tree, and Swine eat them, they pay no Tythe, but if severed from feeding of Swine, they do, *Hetly* 27. or if gathered and sold, 11 *Co.* 49. 2 *Inst.* 643. Apples, Pears, Plumbs, &c. in Enclosures, gathered for Sale, pay Tythes in Kind; and if sold on the Tree, the Vendee must pay the Tythe, 2 *Inst.* 652.

5. *Mines, and what is dug out of the Earth.*

Mines of Silver, Copper, Tin, Lead, &c. are not tythable of common Right, but in some Places Custom has allowed them, 2 *Inst.* 651. Chalk, Clay, Coals, Turf, Peat, Fuller-earth, &c. are tythable, 1 *Roll.* 366. nor Stone, Brick, Tiles, &c. because they are made of the Substance of the Earth, and no annual Encrease, 2 *Inst.* 651. 1 *Cro.* 1. for it is a Rule, where there is no yearly renewing, no Tythe is due, 11 *Co.* 160. No Tythe shall be paid for Salt, unless by Custom, 1 *Lev.* 179.

6. *Garden Herbs, Seeds, Roots, &c.*

Tythes are due for all Pot-herbs, Saffron, Annis, Cumin, Potatoes, Turnips, Carrots, Parsnips,

8 *The Compleat Tything Table,*

Parsnips, Onions, &c. and of Flowers, *Hut.* 77.
3 *Cro.* 20.

7. Eggs, young Fowls, Calves, Lambs, Pigs, &c.

Tythes of Ducklings and Geese are usually paid in Kind; but of Hens and Turkeys, most commonly in their Eggs, as Custom guides, *Moor* 599. No Tythes of Swans, Turkeys, Pheasants, Partridges, &c. for them or their Eggs, are due by Right, they being wild by Nature, unless by Custom, 2 *Mod.* 77. *Roll.* 458. but if Tythe is paid for the Young, there shall be none for the Eggs, or if for the Eggs, none for the Young. No Tythe is due for Pidgeons consumed in a Man's House, *Rolls. Abr. Title. Dismiss. Litt. Rep.* 40. *Hett.* 147. but if kept in a Dove-house, they are tythable, 1 *Vent.* 5.

If a Person has ten Calves, Colts, Lambs, &c. in one Year, Tythe is payable; but if he has fewer than ten, none in Kind is to be paid for that Year, except Custom warrants it; but in such Cases there is usually a Rate-Tythe, or the Parson carries till next Year, they are payable when weanable, *Raym.* 277. Kids are tythable as Calves. *W. Inst. B. 2. c. 2.*

8. *Milk, Butter, and Cheese.*

Milk is to be paid every tenth Meal, and carried either to the Vicar's House or Church Porch, according to the Custom of the Place, *Raym.* 277. Cheese is only tythable where Tythe is not paid for Milk, and is due only by Custom, *W. Inst. B. 2. c. 2.* 1 *Cro.* 109. A Number of Cheeses may discharge the Milk; for no Tythe for Cheese or Butter is due of itself, being made by Labour, *Moor* 909.

9 *Wool*

9. *Wool and Skins.*

Sheep and Lambs are tythable proportionably to the Time fed in a Parish, *to wit*, Eight Pounds in Eighty if a Year, Four for Half, Three if a Quarter, and the Twelfth Part if a Month, and nothing for less than 30 Days. By Custom it may be paid at *Lammass Day*, tho' due at Sheering-time, *Moor* 910. If shorne and dye before *Easter* following, no Tythes are due, *Poph.* 197. Nor for Sheep that feed after the Corn is reaped, 1 *Mod.* 216. Sheerings of Sheep to preserve them in their Walks from Brambles and Vermin, are not tythable, 3 *Bulst.* 242. If the Owner kills his Sheep, he must pay Tythe for the Wool, but not for the Skin, *Litt.* 31. nor of Pelts or Fells of Sheep which die of the Rot, *Nels. Abr.* 318.

10. *Of Beasts and Fowls wild by Nature, and of Fish.*

No Tythes are due for Deer, Hare, Conies, Wild-fowls, or Fish taken out of the Sea; but by Custom they may, *Cro. Car.* 192. *Noy* 108. as of Herrings at *Yarmouth*, *Palm.* 527. and a Custom to pay less than a tenth Part may be good, 1 *Lev.* 179. *Syd.* 278. 1 *Roll.* 419. 3 *Bulst.* 241. Trouts taken in a River adjudged tythable by *Stat.* 2. *Ed.* 6. *Mich.* 15 *Car.* 3. *Nels. Abr.* 311. Fish in Ponds and Rivers enclosed are tythable in Kind, *Winst. B.* 2. c. 2.

11. *Houses.*

No Tythe by Right is payable for them, but by Custom, except in the City of *London*, *Morduses* being for what increases; now Houses decrease,

10 *The Compleat Tything Table.*

crease, and are Inheritances, and it is a Rule no Tythe shall be paid for Inheritances, nor can Husbandry be exercised without Houses. Noblemen are exempted by *Stat. 38 Hen. 8.*

12. *Mills and improved Rents.*

All Corn-Mills not erected before *Stat. 9. Ed. 2.* are tythable; but if before the Memory of Man, the Law presumes them to be before the Statute: Yet if one pays Tythe for his Corn, and after grinds the same at a Mill in the same Parish, no Tythe is to be paid for the Meal, *2 Inst. 652.* Fulling Mills, Tin-Mills, Plate-Mills, Rag and Paper-Mills, are not tythable, because the Profits arises from the Labour of Men, *2 Roll. 84.* Modus to pay two Shillings in the Pound of all the improved Rent, in lieu of all Tythes, is not good, because it is to rise and fall as the Land is let, and the Parson may not know it, *2 Salk. 657.*

13. *Bees.*

Honey and Wax is tythable by the tenth Measure, *3 Cro. 404, 559. W. Jones 447.*

14. *Profits made by Tradesmen, Artificers, &c.*

All these Tythes may be included under Free-will Offerings, tho' the *Stat. 2 & 3 Ed. 6. 13. S. 7 & 8.* says all Persons shall pay their Offerings (or Tythes which was intended) of honest Labour, but not of Robbers, Usurers, Harlots, &c. but all Personal Tythes are more intricate than profitable, therefore the Clergy are advised to desist from contending for them.

F I N I S.

